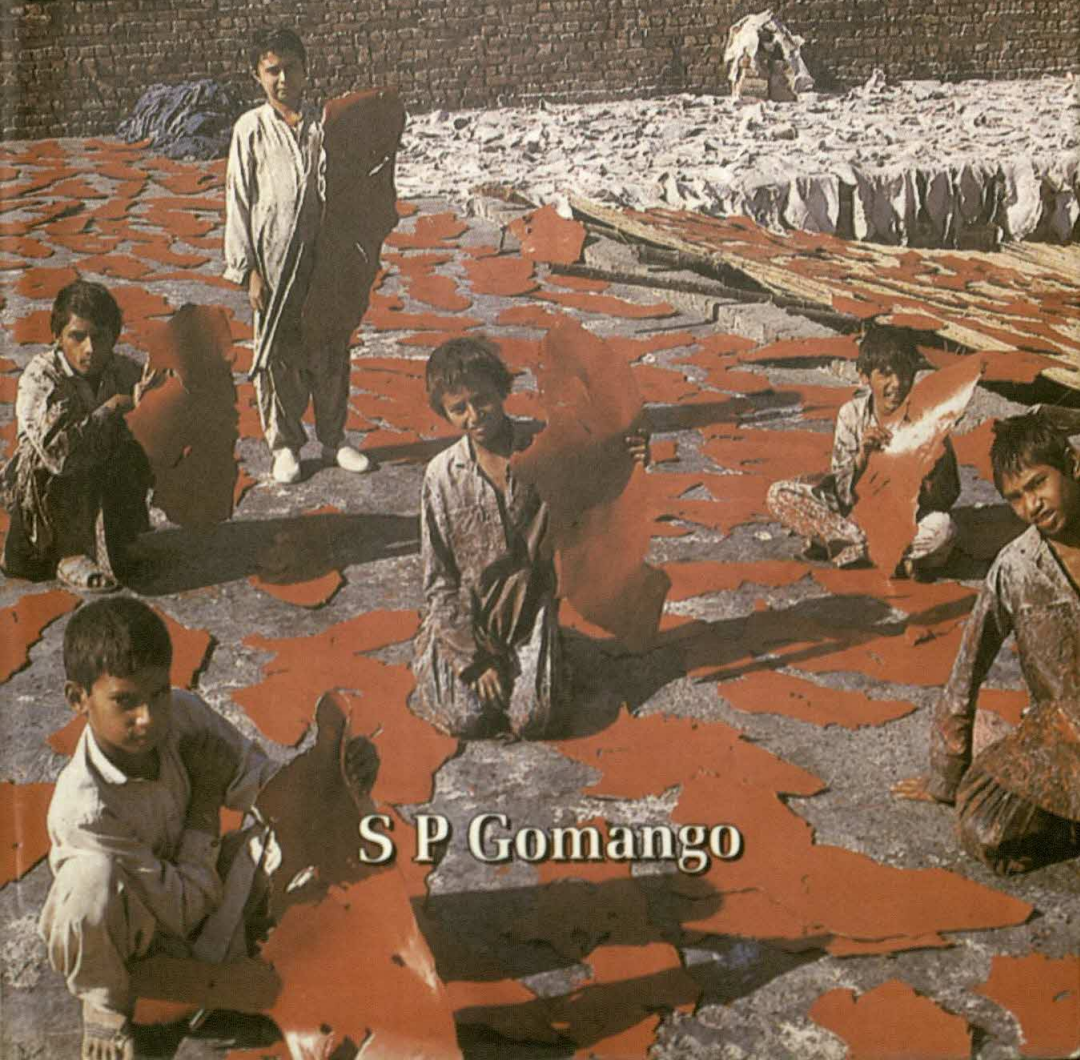


CHILD LABOUR

A Precarious Future



S P Gomango

The problem of child labour is a gigantic, complex and delicate issue. This harsh reality is fostered by socio-economic factors such as grinding poverty, population growth and illiteracy. Redress of these factors is the only prerequisite for the elimination of child servitude from our society.

Working children opt to work, aim to survive, improve their own life and that of their families. But their aims are not exactly achieved due to wage discrimination and other types of basic rights deprivations. These factors sometimes lead to conditions of absolute slavery.

The formal education system should be remodelled to suit the needs of working children, by equipping them for socially productive activities. Enhancement of knowledge among people who are connected with the subject will be another effective means of removing this socially and economically undesirable practice of child labour.

This publication aims to highlight the deplorable conditions of child-workers and suggests possible measures as well as legal remedies to ameliorate their conditions. By emphasising that, children, as the would-be citizens of tomorrow, should get a free, fearless and defenceless environment for their fruitful development, this book sincerely opposes the universal evil of child servitude.

Rs. 500

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Preface

Children reflect the health of a nation. They are also strength in reserve for a nation. They are healthy, active, educated, informed, disciplined and in their hands the future of a nation is well secured.

It is commonly maintained that child servitude is a harsh reality, fostered by socio-economic and historical compulsions. It is believed that poverty, unemployment, population growth and illiteracy are the main reasons for malady and that their redress is a prerequisite for eliminating child servitude. It should be noted that the growth rate of the population is much higher among those communities in which unemployment is rampant. If child labour is not controlled, impoverished parents will continue to succumb to the 'necessity' of enlarging the number of earning members in the family. Similarly, there exists a correlation between illiteracy and child servitude. In the areas where there are more job opportunities for children, the dropout rate in schools is extremely high. If we do not liberate 55 million children from their jobs today, we will be responsible for keeping them illiterate for their entire lives.

The Minimum Age Convention, 1973 (No. 138) is a landmark achievement in the struggle against child labour. Today, a large number of both industrialised and developing countries have adopted child labour legislation that, on the whole, is progressive and reasonably close to international standards. From the outset, child labour reforms and the ILO placed top priority on controlling child labour in factories and other medium-sized or large enterprises which

are often referred to as "The formal sector". Many countries, especially in developing areas, have encountered great difficulty in establishing the effective advisory, inspection and prosecution procedures necessary to impose the rule of law. This is generally attributed to the weakness of the labour law enforcement system in many countries. A careful review suggests that the causes of poor enforcement are lack of motivation, poor training, political interference, corruption, lack of will and denigration of the importance of children.

This book is an attempt to construct a comprehensive picture relating to the problems of child labour. It doesn't provide readymade answers to all the questions pertaining to child labour. It delves into the history of child labour, definition, child slavery, sale of children, street children, sexual exploitation, child labour remedies, child labour and human rights, convention on the rights of the child, etc.

S. P. Gomango

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Definition of the Child

The Census of India defines persons below the age of fourteen as children. Law in India illustrates a 'child' as follows:

1. *Criminal Law Indian Penal Code*: Nothing is an offence which is done by a child under the age of seven years. The age of criminal responsibility is raised to 12 years if the child is found to have not attained the ability to understand the nature and consequences of his/her act.

Attainment of sixteen years of age for a girl is necessary for giving sexual consent, which is not less than fifteen years in case she is married.

2. *Juvenile Law: Juvenile Justice Act, 1960*: A juvenile is a child who has not completed the age of 16 years in case of a boy, or the age of 18 years in the case of girls. A delinquent juvenile cannot be sentenced to imprisonment. If a juvenile who has attained the age of 14 years commits an offence of a serious nature and is found not to be in his interest or in the interest of other juveniles to send him to a special home then the juvenile court may order the delinquent juvenile to be kept in safe custody in such place and manner as it thinks fit. Detention in police stations or jails is specifically prohibited under the Act.

3. *Family Law: Child Marriage Restraint Act, 1926*: Child means a person who, if a male, has not completed 21 years of age and, if a female, has not completed 18 years of age.

4. *Labour Law-Apprentices Act, 1961*: A person is qualified to be engaged as an apprentice only if he is not less than fourteen years of age and satisfies such standards of education and physical fitness as may be prescribed.
5. *Factories Act, 1948*: A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorised medical doctor. A child between 14 and 18 years of age cannot be employed for more than four and a half hours.
6. *Mines Amendment Act*: No person below eighteen years of age shall be allowed to work in any mine or part thereof.
7. *The Child Labour (Prohibition and Regulation) Act, 1966*: Child means a person who has not completed his fourteenth year of age,
8. *Army Headquarters Regulations*.
(a) The age of recruitment in the Army is from 16 to 25 years. Persons who are recruited at the age of 16 years undergo Basic Military Training for up to two-and-a-half years from the date of enrolment and are then inducted into regular service.
9. *Indian Contract Act, 1870*: A person below the age of 18 years has no capacity to contract.
10. *Provision of Free and Compulsory Education*: Article 45 of the Constitution states that the State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children till they complete the age of fourteen years.

The word "child" has been used in various legislations as a term denoting relationship, as a term indicating capacity; and as a term of special protection. Underlying these alternative specifications are very different concepts about the child. These include viewing children as a burden which invokes rights to maintenance and support; regarding children as undergoing temporary disabilities making for rights to special treatment and special discrimination,

treating children as specially vulnerable for ensuring rights of protection; and recognising children as resources for the country's development necessitating their nurturing and advancement.

The question of review of definition of the "child", in the light of Article 1 of the Convention on Rights of the Child has been referred to the Law Commission of India to be considered by the Commission while undertaking a comprehensive review of the Code of Criminal Procedure and the Indian Penal Code. The Law Commission has already reviewed the Code of Criminal Procedure and is likely to undertake a comprehensive review of the Indian Penal Code and the Indian Evidence Act shortly.

Legal enactments invoke differential age-specifics creating a dilemma whether the same human being is or is not a child and, depends upon the law which is being invoked in a given case. Given the fact that the deprived child's birth is either inadequately/incorrectly recorded, the reliability and impact of the laws thus cannot be fully regulated in terms of age. The laws which relate to transgression by the child, are under the general rubric of juvenile, which distinguishes treatment vis-a-vis the adult, for offences like begging/stealing/drug taking/peddling or crime. Free legal aid is available, under the public utility litigation provisions. But the disparity between the age-identified child and the laws applicable in terms of maturity levels and the child's ability to articulate needs, requires congruent thinking in policy, law statements and their enactments.

The acceptance of the definition of the child as given by the UN Convention on the rights of the child is likely to have implications on programme planning and budgetary provisions. The Government of India is, therefore, reviewing the legislation and is considering, adopting the definition of the child as stated in Article 1 of the Convention, wherever it is feasible and applicable, so that the rights of children are protected in the society under all circumstances.

Child Labour

The number of working children is increasing from year to year. Some reasons are economic situation of their family, lack of employment opportunities for the adult member, and the preference of the employers to hire children to save on production costs. The child loses all the pleasures of life and potentials of growth and development.

There is worldwide awareness and laws have been enacted to prohibit children from being employed. Illegal recruitment of children still continues. There is also a great scope for exploitation and abuse of child. The social workers and activists from the trade unions are finding it difficult to help the child because of the existing legislations and other social factors. Such workers do not get proper empirically verified research data on the nature, causes and conditions of child labour, on one side, and feelings and aspirations of the children on the other.

A survey of the urban working children was conducted in 1984-85 by the Institute for Cultural Research and Action, Bangalore. This became the basis for drafting Child Labour Bill, 1985. Besides, the study also helped working children to acquire skills, knowledge and training so as to become productive workers. The findings of this survey along with a blueprint for elimination of child labour in the long run are presented. Problem of child labour at the macro-level with reference to India, methodology of the study giving context to the survey, profiles of child workers and their families, employment and working conditions, wages and income, educational and career interests of the

working children, the urban working children and the concerns for the working children are presented.

As children always participated in economic activities, their workplace was an extension of home and children were not given hazardous tasks. However, with the advent of industrialisation, labour now became a marketable commodity.

If a family cannot afford to feed its children, that is not a problem relating to labour, but it may lead to a child being sent out, or even sold, to supplement the family income. Or it may be a cause of a child not being provided with education. That may not necessarily be rectified even if the child is not at work, but it is less likely to be rectified if the child is working every waking hour. If a child is being abused or ill-treated, it does not follow that the offender is the employer, but much of the abuse and ill-treatment of which we know is by employers.

In 1919, at its first session, the International Labour Organisation (ILO) adopted the Minimum Age Convention, providing that in industry there should be no employment of those under the age of 14. But industry, of course, touched only the fringes of the problem. There has been a subsequent total of 14 ILO conventions on the subject of child labour.

The Minimum Age Convention of 1973 extended the prohibition to all child labour. It provided that no child should be in full-time employment under the age within that system of completing compulsory schooling, and in no case under the age of 15. Between 13 and 15, a child might be employed on light work, provided that it was not such as to prejudice his or her attendance at school or training. And the Convention provides that, up to the age of 18, no one is to be employed in work likely to jeopardise his or her health, safety or morals.

In 1981, the UN estimated that 145 million children in the world under the age of 14 were in employment, mostly full-time. The ILO estimates that the highest rates of child labour are in Africa. But the degree of suffering among employed children is probably greater in Asia.

The Bonded Labour Liberation Front of India, in 1989, convened the South-East Asia Seminar on Child Servitude. It was attended by 60 delegates from five countries in the region. Governments were not represented, but there was an ILO delegate, and a number of Human Rights workers, academics and judges. They were able to collate a great deal of evidence. What was unique is that they brought along a number of children to give their own evidence. That was no easy task. There was an element of risk both for workers and for children.

The reasons which lead to child employment vary substantially with local conditions and local cultures. Where a family simply cannot afford to keep a child at home, so he or she is put out to earn. It may be at a wage, or the father may be employed, and simply take along his family to help, in order to maximise his earnings. The earnings are then paid to the father. The employer may then have no record of an individual child, a situation which has advantages in the unlikely event of an inspector asking questions. But even if no records exist, a child who tries to escape may discover that is the employer's business. The child may live at home, or in accommodation provided by the employer.

There are children whose families cannot afford to keep them at home, so realise whatever financial value they may have on the market. The parents may be told that the child can be adopted, where it can have a better life. Daughters may be married off as children. A bride price is paid, and the child then enters the household of the new family to do whatever work, in whatever conditions, they decide.

In many regions of Asia, poor people earn just enough to keep themselves and their families. There is nothing over to put by for emergencies. But occasions arise when a substantial sum is needed. Social conventions may require that when a child is married, the family provides a wedding feast. They may need to provide a dowry for a daughter. Even if the family is part of a community which has no status in the eyes of the more privileged majority, they need to hold up their heads within their own community. But the need to borrow money does not always arise from maintaining status.

Often, there is simply not enough money or produce to keep the family through the monsoon season. Either way, a father may have to go to the local landowner, or to someone with resources and ask for a loan. And the condition may be that he must work for the creditor until the loan is repaid. Then the problems begin. The debtor has to accept whatever wage is on offer. He cannot now work his own piece of ground so effectively, and a substantial part of his remuneration is deducted to repay the debt. But the interest rate may be very high, so that frequently he is working simply to pay off the interest, leaving the debt undiminished. Often, indeed, the debt continues to increase. The debtor is probably illiterate and in any event is not given an account book, so he has to rely on what the creditor tells him. He may then have to borrow further and one of the children will be given in bond for the debt.

The child, after all, is the parent's property, and the transaction is like pawning a chattel. The child works without any wages and must continue to work for the creditor until the debt is paid. But frequently, it is never paid. An unscrupulous creditor will make deductions for food or for shelter, whatever food or shelter may have been provided, or for damage or breakages, and the debt continues to grow. The debt does not cease with the death of the father, so the child may be in bondage for the remainder of its life. And if a debtor dies, leaving a debt, the debt devolves on the children, so that many children are born into bondage, a bondage which they never escape from birth until death. There are families who have been in slavery for generations because of a debt incurred by a remote ancestor.

In most Asian countries debt bondage is no longer lawful. In India, in particular, a series of statutes forbids it, but the victims do not know about them. In many areas, officials are not sympathetic with the debtors. There are those who devote themselves to enforcing the law or improving conditions, and a number of organisations now follow in the footsteps of the Bonded Labour Liberation Front, but for all we know to the contrary, there are families falling into debt-bondage as quickly as others are being released.

A survey of some of the industries where bonded labour applies are described below. Most Indian handmade carpets are produced in the Mirzapur carpet industry. The industry employs some hundred thousand children, many of whom serve as bonded labourers or are simply kidnapped.

The Bonded Labour Liberation Front of India discovered in 1984 that 32 children aged 6 to 14, were employed by the same loom-owner. They were brought before the Supreme Court and the judge was horrified on hearing the evidence. He ordered their release and exercising a power which is available to the Supreme Court in India, he appointed a commissioner to make a study. The case was taken up by the media and debated in the Human Rights Commission. Many more children were released, but there is still far to go. If children are not available as bonded labourers, they are frequently replaced by simply kidnapping others.

The government quickly realised that there was little purpose in ordering the release of children unless they had somewhere to go, some way of earning a living, and some training. Money was set aside for this purpose, but little seems to have reached those for whom it was intended. In one instance, an eight-year-old boy was given his release certificate, plus a total of Rs. 650. His employer simply seized Rs. 500. And when his parents came to collect him, the employer demanded Rs. 1,300 which he said he had spent on the boy's training. The parents could not pay and did not know where to go for advice. The owner simply sold the boy to someone else. Enforcement is so relaxed that some loom-owners are alleged to have claimed that a child is working in unlawful debt bondage when it is not, because in that way they get their hands on some of the rehabilitation money.

There is now in India a carpet manufacturing industry a Child Labour Group, which arranges for their processes to be inspected and a certificate issued that carpets are produced in accordance with good practice. Many of the larger exporters are joining. Arrangements are under way for some European importers to look for those certificates before purchasing.

In India another industry which employs a substantial number of children under the bonded labour system is stone quarrying, particularly in the outskirts of Delhi. In November 1988, the Bonded Labour Liberation Front learned of 48 people, including 15 children, working as bonded labourers, all in one village. They secured their release. Their health had suffered from the dust, but it was said that the worst effects were psychological. Most of them were totally apathetic about their condition. All resistance had been drained from them.

The brick kiln industry in Pakistan absorbs many bonded labourers. It has been estimated that some two million families in Pakistan are still subject to bonded labour. In 1992, the Government of Pakistan legislated against bonded labour. But the problem, as in India, remains one of enforcement. As long ago as 1988, on a complaint sponsored by the Bonded Labour Liberation Front of Pakistan, the Supreme Court held that the practice in the brick kiln industry was unconstitutional and ordered the release of the victim.

Outside South-East Asia, evidence is constantly emerging of children employed in horrifying conditions. In the United Arab Emirates and in Dubai, camel racing is a popular sport. Jockeys need to be small and light. Until recently, there was a flourishing trade in children from the Indian subcontinent, taken as bonded labourers, kidnapped, or simply enticed by prospects of earnings. A child thrown off and dragged along by a charging camel can be seriously injured. And there was little information on what happened to children when they grew too big to be jockeys. Things have improved since a programme on the BBC World Service, made as a result of efforts by Anti-Slavery International, was shown. There is now more effective legislation to protect children. The maximum weight imposed by the sport has been replaced by legislation requiring a minimum weight, to ensure sufficient strength for safety.

The economy of Dominican Republic depends largely on sugarcane. Work in the plantations with large knives used

to cut cane, is harsh, unpleasant and dangerous. It is not easy to find a willing labour force. Workers are imported from neighbouring Haiti. They are recruited with stories which paint a very false picture, but once there they are trapped. Often they are held there against their will, by armed guards. Americas watch were recently able to inspect some of the working conditions and were horrified at what they saw. Frequently, there is no sanitary accommodation, and dysentery and similar diseases are rampant. The victims receive little sympathy from the local Dominican population, who dismiss people from Haiti as inferior.

Since they are not citizens of Dominica, they have virtually no legal rights. Many of the workers are children, who either come with their parents, or who have been kidnapped or recruited with stories of high earnings. Their plight has been brought to the notice of the world by some church workers, particularly Fr. Edwin Paraison, an episcopal priest, himself from Haiti. Although in great danger himself, it is said that he has helped large numbers of children to escape.

Some Asian cities, such as Bangkok, provide facilities for paedophiles. Regularly, children arrive in large numbers at the main railway station, where they have been brought by kidnappers or, more usually, they have simply come to the city to find a living, waiting at the station are people known as fishermen, who take control of them and sell them on to employers looking for cheap labour. The attractive ones are sold to brothels, to satisfy the needs of paedophiles, and there they remain as slaves, often until they die of disease, or simply of exhaustion. Some years ago, a group was formed in Thailand to campaign against those practices. They formed End Child Prostitution in Asian Tourism (ECPAT). They addressed themselves to tour operators, to airlines and to governments, hoping to persuade governments to take extraterritorial jurisdiction to try offences by European tourists in Asia.

Some Western governments are now passing 'Longreach Laws', taking jurisdiction to prosecute their citizens for offences of this kind committed abroad. Sweden has its own police agents in Bangkok and Manila. The Australian

government instructs its diplomats to watch visiting Australians whom they have reason to suspect.

Another group of children who need to be considered are those who are either orphaned, turned out by their families to fend for themselves, or who have run away from the conditions which we have just been contemplating and who are now living on the streets. For companionship and support they have to look to other children, and they live in gangs, making a living in whatever way presents itself, begging, guiding tourists, or doing odd jobs. Many make a living by looking through the city's garbage, collecting paper, bottles, rags and bones. There are retailers who take what they find and pay them something, however small. Frequently, they have arrangements delineating their territory, so they have to be up before the city is stirring to ensure that no one poaches on their territory. Many suffer accidents from sharp glass or tins, or bites from rabid dogs.

In major cities in Europe and in America, street children are organised in gangs by criminals, who send them out to pick pockets, burgle houses and generally organise them. Many of them from poverty-stricken families in Eastern Europe, particularly the gypsy population of the Balkans, are taken to other countries for this purpose. In some areas of South America, street children are going into business on their own, for example, distributing drugs. There may be a gang with its own territory, and sometimes there are territorial wars between rival gangs, as in Chicago in the 1930s. But the gangs are gangs of children, and there are cases of children being murdered by other children.

Children on the streets are sometimes seen as a nuisance, or worse. Their escapades evoke anger and sometimes they develop a running feud with the police. Usually, the police limit their reaction within acceptable bounds, but there is at least one example in Brazil where the police reaction went over the top.

There is nothing new in campaigners seeking to draw attention to the suffering of children from poor backgrounds. At the end of the First World War, in Europe, devastated by war, children were the first victims. The

movement 'Save the Children', organised relief and campaign for more structured protection. In 1923, 'Save the Children' drafted the Declaration of Geneva. The five principles set out by the Declaration are the following:

- i) The child must be have the means requisite for its normal development, both material and spiritually.
- ii) The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed and the orphan and the waif must be sheltered and succoured.
- iii) The child must be the first to receive relief in times of distress.
- iv) The child must be put in a position to earn a livelihood and must be protected against any form of exploitation.
- v) The child must be brought up in the consciousness that its talents must be devoted to service of its fellowmen.

In 1956, the UN adopted the Supplementary Convention on the Abolition of Slavery, providing, *inter alia*, that states should abolish the practice of the delivering a child by its parents to another person with a view to the exploitation of his labour.

In 1959, the UN adopted a further declaration on the rights of the child. It set out ten principles. For the first time, it addressed the question of discrimination and specifically provided that every child should enjoy all the rights set out in the declaration, without discrimination on grounds of race, colour, sex or creed. It provided that every child should be given facilities to develop physically, mentally, morally, spiritually and socially, and that the best interests of the child should be paramount. This introduced an important principle, which has subsequently been developed. The Declaration proceeded to set out particular rights, such as a health care education, protection from cruelty, recreation and appropriate treatment for the handicapped.

In the 1970s, there was a discussion about a possible Convention which could identify with the obligations of governments, which would have the force of law and which

at least might make provision for monitoring the efforts which governments were making to implement it. The year 1979 was declared by the United Nations to be the International Year of the Child. In the course of the year the Polish Government proposed that they should begin work on a Convention. The UN Human Rights Commission established a working group to draft a Convention. They set themselves the objective of having the Convention approved by the General Assembly within ten years. If that appears a somewhat relaxed view of urgency, it must be seen in the context of the way in which the UN works.

National delegations have to obtain instructions from their governments, and within governments, each department insists on its input. Each government has a different idea of the priorities. Some will be anxious to include a particular provision which others will find embarrassing, because of some domestic problem. There will be horse-trading, adjournments for consultation, debates and further private discussion.

In 1989, the General Assembly adopted unanimously the new Convention consisting of 54 articles. A child is defined as a human being below the age 18. Four principles are worth singling out.

Firstly, the rights set out in the Convention are to apply without discrimination of any kind, in respect of race, sex, religion, ethnic or social origins, disability or other status. Thus the Convention takes in other areas of work which have been carried out on human rights.

Secondly, the obligation is upon states to ensure that the rights are implemented. And the obligation applies to ever child within the jurisdiction and thus not only to the state's own citizens.

Thirdly, the primary consideration should be in it has the best interests of the child. And to ensure that the child's best interests are not simply as interpreted by a provision that due weight should be given to the views of the child, of course in accordance with the age and maturity of the child. Indeed, it is specifically provided that the child should have the right freely to express its views.

The fourth provision has proved not wholly uncontroversial. First, it emphasises the distinction between the interests of the child and that of the parents. Secondly, children have a right not simply to be protected but to be heard. This may impose some burden on our patience and our common sense. There were suggestions that the Convention should be called 'A Convention for the Protection of Children'.

To speak of the rights of a child appears to entail that the child should be able to initiate some process for their enforcement. We protect ancient buildings, but we do not speak of their having rights. There are then a series of articles setting out substantive rights.

There are articles on basic needs, food, health care, education, recreation and play. There are articles relating to protection, from child labour, drug abuse, sexual exploitation, trafficking and abduction. There are articles on civil rights, freedom of expression, freedom of thought, conscience and religion, protection of privacy, access to appropriate information and protection of justice and dignity within the penal system. There are three articles on what may be called enforcement.

Article 43 establishes a Committee on the Rights of the Child, consisting of ten experts, elected by the states parties. States undertake to submit to the Committee reports on the measures taken to give effect to the rights in the Convention. The first report is to be within two years of the date when the state ratifies, and thereafter every five years.

Article 49 provides that the Convention should enter into force when there have been twenty ratifications or accessions. This was achieved in September 1990. In the same month, presidents and prime ministers from 70 countries gathered at the World Summit for Children in New York, and agreed on a Plan of Action for Children, endorsed by 159 states. The intention was to undertake progressive implementation of the rights in the Convention. It declared that children should have the first call on resources. And it set out targets for the year 2000,

particularly relating to the elimination of certain diseases. It requires each state to prepare a National Plan of Action, including target dates and anticipated resource requirements.

As early as 1988, United Nations International Child's Emergency Fund (UNICEF) established the Children's Centre in Florence to advise on child rights, and to encourage initiatives by publication of information and thinkpieces. At the Human Rights Summit in Vienna in June 1993, children were high on the agenda. Stephen Lewis, the Special Representative of UNICEF's Executive Director, spoke of children as the cutting edge of human rights. We can narrow the disparities between the privileged and the underprivileged, he explained, by what he called a jump start early in people's lives. So the problems of children in Mirzapur, in Rio de Janeiro, and in Dominica are very much a topic of discussion among diplomats and politicians and lawyers.

But human rights stand or fall not in conference rooms, but in streets and cellars. We cannot eliminate the problems instantly like switching off a light. People have to work at it. None the less, it concentrates the minds of governments to know that the world is asking questions. Even the most indifferent of governments likes to be loved in international circles. What is important is that the questions should keep coming.

Initiatives and impetus for human rights have always come principally from the NGOs. That is not to say that governments are always hostile to Human Rights, or even totally, indifferent. Within governments there are those who care about human rights, either generally or in specific areas. But the whole scheme of international human rights enforcement is to place on governments the responsibility for ensuring that the standards are met in their respective countries, a consequence of the fact that the UN is orientated towards nation-states, and very much subject to the assertion of national sovereignty.

National governments would prefer enforcing human rights themselves to having others asking questions within

their boundaries. So it is not surprising that governments are less than enthusiastic to make a rod for their own backs. It was principally NGOs who made the running in relation to children's rights before, during and after the Convention process. And implementation will depend largely on the pressure which they can maintain.

There is an NGO Group on the Rights of the Child, to help maintain the impetus. It is based in Geneva, at the premises of Care of Children International. It works closely with NGOs like Anti-Slavery International, maintaining pressure at the UN Sub-commission on minorities and similar international bodies. Anti-Slavery International presents an award each year to someone whose contribution to the fight against slavery should be recognised. The first award was to Swami Agnivesh, of the Bonded Labour Liberation Front of India. The second was to Fr Ricardo Rezende, a Catholic priest in Brazil, for his work among rural communities.

After the Second World War, the lives of children in industrialised countries improved substantially. Between 1950 and 1990, European countries achieved the fastest reduction in infant mortality ever recorded. But in the last 15 years there has been a growing number of problems relating to children. In Europe, a high proportion of children live in families with low incomes, but the figures must be adjusted to take account of redistributive taxation and social security policies. In Germany, 2.8 per cent of children can be said to be living in poverty, in France 4.6 per cent, in the UK 7.4 per cent, and in the US 20 per cent.

There are further problems with families who must rely increasingly on the incomes of both parents, with consequently less time to spend caring for children, playing with them or teaching them. And this appears to be particularly true in the US and the UK. They are living with what Dr. Sylvia Ann Hewlett in her study *Child Neglect in Rich Nations* published by UNICEF, calls the cult of the workaholic. There is a disturbing body of research revealing what is possibly obvious that the more time children are left

on their own, the more likely they are to develop behavioural problems, such as drug abuse.

In UK, children in employment are protected by a formidable body of legal provisions, so many that Caroline Moorhead, who wrote a booklet on the subject for Anti-Slavery International, described them as a patchwork of laws, some new, some still drawing heavily on provisions passed in the last century. They prescribe the times at which children may work, the number of hours, what work they may do, and in what conditions. The bad news is that they are rarely enforced. Caroline Moorhead found in 1985 that remuneration depended largely on wages, inspectors of whom there were 119 for the whole of Great Britain.

In the whole of England and Wales there were 3,000 educational welfare officers, one per 970 children. Safety was the concern of the Factories Inspectorate, and there were 500 inspectors for the whole of the UK. We know how many industrial accidents relating to children are reported, and the number is quite small, but the low pay unit found that in their sample, 31.6 per cent of the boys and 29 per cent of the girls had received some injury while working.

The Gulbenkian Foundation established the Children's Rights Development Unit in March 1992 to initiate a national agenda for monitoring and implementing the Convention, article by article, and promoting awareness of its provisions. Gulbenkian have also published a proposal by Martin Rosenbaum and Peter Newell for the appointment of a Children's Rights Commissioner along the lines of the Health Service Ombudsman and the Local Government Ombudsman.

The UK duly ratified the Convention on 16 December 1991, subject to six reservations or declarations.

- i) It interprets the Convention as applicable only following a live birth, so that it leaves open questions about abortion.
- ii) There is some limitation on the construction of the word 'parents' to conform with UK law.
- iii) The government will be bound by the provisions only so

far as they are not in conflict with existing provisions on the right to remain in the UK.

- iv) A child is not to be construed for all employment purposes as a person under 18. British law recognises young people as a separate category with different rights and obligations.
- v) While the Convention requires that young offenders should not be detained with adults, the UK provides that they shall be subject to facilities being available, and to cases where it may be thought beneficial to detain them with adults.
- vi) The right to legal representation set out in the Convention is not to apply to children's hearings in Scotland.

The Children's Committee's first report fell due in December of 1993. The Committee has expressed the hope that reports shall include consultation with NGOs. The UK government distributed the draft report to some NGOs out of several hundred interested in the subject, and distributed it on 15 December, with a requirement to send comments by the end of December. Not only were organisations given a mere fortnight in which to distribute the report to their members, read it, discuss it and react, but they were required to do so over Christmas.

Child Slavery

Extreme poverty led to the entry of child into the labour market and exploitation of children became common. What is special about children is their vulnerability in two respects. Firstly, they are more susceptible to the effects of deprivation. In a famine, they are the first to suffer the effects of malnutrition, and the first to die. In a violent situation, they are least likely to know where to go for shelter. It is they whose physical development is stunted, and whose mental outlook on the world is most affected. In employment, children are more likely to suffer accidents, or to find their health damaged by dust and fumes and bad lighting. Secondly, they are less likely to know how to fight back, how to assert their rights. They are less likely to know how to cope in a crisis. Of an estimated twelve million refugees in the world, at least half are children. Whether someone is compelled to remain in a particular situation depends at least partly on the nature of the alternative. The alternative may be to walk out into the open spaces of a big, unknown, uncaring world, and to take a chance on finding food and shelter. Faced with that, children are more likely to stay, and to suffer all which that entails.

This chapter gives an overview of the nature and extent of the problem of child slavery and the consequences for the victims. It describes the constraints that impede action against it and outlines relevant legal instruments. It highlights initiatives that are yielding encouraging results in preventing this scourge, as well as in rescuing and rehabilitating bonded children. It suggests ways to expand

and accelerate these initiatives by linking them more directly with national programmes and international mechanisms specifically designed to combat child slavery.

Public opinion has a tendency to use the term "slavery" when speaking of particularly harsh and abhorrent work or working conditions of children. This dilutes the meaning of the word. In reality there exists a fundamental difference between labour and slavery: labour is an activity, slavery is a status. Labour is a visible activity, slavery is an invisible situation. The ILO committee of experts on the application of conventions and recommendations considers this question of invisibility as "a key issue in dealing with the problem of bonded labour".

There are two types of invisibility. One is related to the location where children are kept or where access to child slaves is difficult. They are usually hidden, locked away in small workshops, in remote quarries, on building sites and agricultural estates, in mobile enterprises, or in domestic work where entry is often prohibited because the workplace is private property. The other type concerns the status of the child workers in relation to their employers.

Child slavery is built on violence. The children are the property of their employer and are subject to physical and psychological violence. Fearing repression, bonded child workers generally remain silent. To keep bonded children in their service, the proprietors also need the silence of the public. They therefore usually see to it that all contact between the workers and possible investigators is limited. Such children may be given supplementary surveillance, which is at the same time part of the machinery of recruitment and control of the slaves, namely, the intermediaries.

The recruiters visit the most poverty-stricken villages or slums, especially in periods of financial difficulty. A loan may be proposed to the family by attracting them with the possibility of reimbursement through the labour of one of their children. The recruiters, acting, for example, on behalf of an enterprise active in mining or forest exploitation, may offer to pay the travel expenses to the place of work, to be

reimbursed later. Sometimes the children are taken away without payment of any advance, merely with the promise of feeding them and letting them acquire some skills in a particular trade.

The greater the distance between the family and the place of work, the more the children will have difficulty in fleeing or being rescued by their family. Not all children in bondage are automatically taken hundreds of kilometres away from home. Many of them often live with their parents at the workplace. There are escorts who are charged with putting the children on a train or truck and ensuring that they arrive at the destination.

A child in bondage is an income asset and the proprietor usually requires the uninterrupted physical presence of the child at the workplace. The more child or adult workers there are in bondage on a site, the more the surveillance of the workers will be strict and organised. The surveyors' task is to prevent attempts to escape or have communication with the outside world.

It is difficult to assess the extent of child bondage because employers hide the illegal employment of children by physical restraints on their movement and other means of coercion. There are also problems of defining what constitutes bondage. In India, the Gandhi Peace Foundation, in collaboration with the National Labour Institute, conducted a study in 1981 covering the agricultural sector in 10 out of 21 states in the country and arrived at a figure of 2.6 million bonded labourers. In the States of Orissa and Andhra Pradesh, one out of every five labourers was found to be bonded. The bonded labourers constituted eight per cent of total labourers in India.

More than half (54 per cent) of the families were landless; 46 per cent were homeless and lived in the master's premises and 56 per cent were indebted to their masters. Another survey by a human rights organisation found that 3.3 per cent of Kamaiyas had been working in this way for four generations, 21.63 per cent for three generations and 28 per cent for two generations. While trafficking in children within countries in South-east Asia



has been a widespread phenomenon for some time, there is increasing evidence in recent years of children being trafficked across national borders because of the opening of frontiers and as a result of industrialisation and globalisation.

Previously remote, numerous areas are now exposed to rapid social changes. This has disrupted traditional ways of life and made the population especially vulnerable to the problem of child trafficking. There exist a number of well-established trafficking routes in the Mekong sub-region. Thailand is the main receiving country where many victims are forced into prostitution and other exploitative forms of work. Most trafficking takes place over land and there are well-known gateways from each country. Cambodia and Yunnan province in China are in addition to being sending countries, also on the receiving end. Vietnamese children are being trafficked to Cambodia for prostitution and significant numbers of ethnic minorities from North Vietnam and Myanmar are trafficked under the disguise of marriage to become domestic workers, often without pay.

A considerable number of them had been either forcefully abducted or tricked into going to India and subsequently sold to brothels. In addition to the economic pressure, cultural practices among certain ethnic groups also contribute to the trafficking of girls in Nepal. In Bangladesh, the government estimates that a few thousand women and children have been victims of trafficking for labour, including prostitution, and for other purposes in South Asian and Middle Eastern countries.

There have been reports of boatloads of children being halted by authorities along coastlines on their way to Central Africa. Some of these children end up in households as unpaid child labour known as "house-helpers", while others end up in prostitution. Children also leave their homes and cross borders into other countries to work as domestic helpers and market traders.

Latin America is known for its large numbers of children working on the streets. There is a strong linkage

between the street environment and commercial sexual exploitation.

Children working on the streets become easy targets for the trafficking network which recruits them for prostitution. In Brazil, young girls on the streets are lured by traffickers with the offer of better jobs in restaurants but are forced to work in night clubs in faraway places in the Amazon, where they are kept captive like prisoners and moved from one region of the Amazon to another—from one mining community to the next.

INTERNATIONAL ACTION AGAINST CHILD SLAVERY

The international community has made the immediate suppression of child slavery one of its major priorities. The principal actors are the ILO, the United Nations and international NGOs.

International efforts to end child slavery

- International legal instruments of the ILO and the United Nations provide the legal framework for the abolition of all forms of child slavery and practices similar to slavery.
- International organisations cooperate to tackle the problem. For example, in 1992, the ILO, in collaboration with the United Nations Centre for Human Rights, organised the Asian Regional Seminar on Children in Bondage in Pakistan.
- The ILO Committee of Experts raises the issue of bonded labour—including child bondage—every year, and keeps the issue alive on the agenda of governments.
- The ILO's International Programme on the Elimination of Child Labour (IPEC) places a high priority on child bondage and supports action programmes to combat the practice in different countries.
- The United Nations Working Group on Contemporary Forms of Slavery, set up in 1974, reviews the reports and testimonies of NGOs on child bondage every year.
- International NGOs increasingly accord special attention to child labour and mobilise public opinion. Anti-Slavery

International acts as coordinator for the NGO subgroup on child labour with the Committee on the rights of the child.

International Labour Organisation

One of the most widely ratified International Labour Organisation (ILO) Conventions is the Forced Labour Convention, 1930, which requires ratifying states to suppress the use of forced or compulsory labour. It defines the term as "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"—other than in certain excepted circumstances, for example, the performance of military service, and emergencies such as wars, fires, earthquakes and so on. It imposes an obligation on the ratifying state to punish the exaction of forced or compulsory labour as a penal offence and to ensure that penalties are strictly enforced. Convention No. 29 is an important instrument to promote government action in countries where child bondage exists.

Since it applies to everyone, whatever age, it protects children from forced or compulsory labour and is applicable to children in bondage and their exploitation in prostitution and pornography. Indeed, the committee of experts and the Conference Committee on the Application of Standards have been dealing extensively with the problem of the forced or compulsory labour of children in relation to the application of the Convention by several member states.

The committee of experts has stated on several occasions that the forced labour exploitation of children is one of the worst forms of forced labour, which must be fought energetically and punished severely. Under the ILO's Constitution, ratifying members must report to the ILO on measures taken to implement the Convention. Such information is often supplemented by reports from ILO constituents, which might forward reports from NGOs or others concerned.

Moreover, reports to the United Nations Working Group on contemporary forms of slavery are also considered by the Committee of Experts. The new worst forms of Child Labour

Convention, 1999, and its accompanying recommendation, provide additional and powerful weapons for the elimination of all forms of child slavery. Adopted by the International Labour Conference in 1999, the Convention applies to all children under the age of 18 and obliges member-states to act immediately against the worst forms of child labour, which include slavery and practices similar to slavery—such as the sale and trafficking of children, debt bondage and serfdom, forced or compulsory labour, including forced recruitment for armed conflicts—and the use of children in prostitution, pornography and illicit activities, in particular the production and trafficking of drugs.

The Convention also requires adequate penalties and encourages member states to assist one another through international cooperation or assistance to combat the worst forms of child labour. Ratifying states are required to adopt programmes of action to eliminate the worst forms of child labour. These programmes are to include specific measures to prevent children from being exploited in forced labour and to rehabilitate and integrate them once they are removed from such exploitation.

Thus, in addition to providing for a clear legal prohibition of child slavery, the new Convention is oriented towards immediate and effective action to assist the children concerned. In 1998 the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at work, which reaffirms the commitment of the ILO's member-states to promote fundamental labour rights, whether or not they have ratified the relevant conventions. The elimination of all forms of forced or compulsory labour and the abolition of child labour figure prominently among these rights.

Elimination of Child Labour (EC)

Consistent with the new convention and the declaration, International Programme on the Elimination of Child Labour (IPEC) gives top priority to action which will bring an end to the worst forms of child labour, such as slavery and similar practices, the exploitation of children in prostitution, pornography and for illicit purposes. In

addition, IPEC gives special attention to children who are particularly vulnerable and those who are very young and girls.

United Nations

Slavery is defined as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". In 1956, a Supplementary Convention on the Abolition of Slavery applied in particular to debt bondage and serfdom. It defines debt bondage as "the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined". The Supplementary Convention on the Abolition of Slavery (1956) was inspired by the Universal Declaration of Human Rights, adopted in 1948, which proclaimed that "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms".

The International Covenant of Civil and Political Rights, adopted in 1966, echoes the assertion of the same rights. It states that "no one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited...", "no one shall be held in servitude"; and "no one shall be required to perform forced or compulsory labour". The United Nations Convention on the rights of the child adopted in 1989, contains specific provisions against various forms of child exploitation. Article 32 of the Convention provides for the protection of the child from economic exploitation and from performing any work which is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 34 requires the state to protect the child from all forms of sexual exploitation and sexual abuse and to take appropriate national, bilateral and multilateral measures. Article 35 imposes a similar obligation on the state concerning abduction, sale or trafficking in children.

Article 36 provides for the protection of the child from all forms of exploitation prejudicial to any aspect of the child's welfare.

NATIONAL LEGISLATION

The constitutions of most countries contain provisions relating to fundamental rights which include injunctions that "no person shall be held in slavery, or servitude", and "no person shall be required to perform forced or compulsory labour" or to the effect that no person shall be compelled to perform work or render personal services without his or her full consent and/or without fair compensation. Some constitutions deal with forced labour under general provisions on the right to work, stipulating that everyone has the right to freedom of labour and that involuntary labour is prohibited, or that work is an obligation for every citizen but that no one may be unlawfully forced into a specific occupation. The Constitution of India prohibits a form of forced labour known as Begar, which is "labour or service exacted by government or a person in power, without remuneration".

Honduras appears to be the only country in which the Constitution itself deals specifically with children in bondage: "every child must be protected against every form of abandonment, cruelty and exploitation. No child shall be the object of any type of bondage." Penalties are provided for by law for those who violate the provision. Many countries devote a section of their labour legislation to forced or compulsory labour. Definitions are often in conformity with the ILO's Forced Labour Convention, 1930. In about half the countries where the prohibition of forced labour is provided for in general labour legislation, there are specific penalties for the illegal exaction of work or any form of illegal constraint.

Labour legislation typically declares that any person who imposes or permits the imposition of forced labour is guilty of an offence and liable to a fine of a certain amount of money and/or to imprisonment for some months or years. For example, in the Republic of Korea a person violating the provisions concerning employment of workers through

violence, threats, illegal confinement or any other means of unjustifiable mental or physical restraint "shall be punished by imprisonment for not more than three years or suspension of civil rights for a period of not more than five years".

Two noteworthy examples of national legislation outlawing bonded labour are the Bonded Labour System (Abolition) Act, passed in India in 1976 and the Bonded Labour System (Abolition) Act, enacted in 1992 in Pakistan. These statutes represent a real advance in the conception of the problem because they do not only prohibit the bonded labour system, but provide for the rehabilitation of liberated workers and the establishment of broad-based vigilance committees with a mandate to advise and coordinate the implementation of the provisions concerning the identification and rehabilitation of the bonded labourers.

Problems in enforcement

The legislation on slavery and bondage indicates their acceptance of the international standards and sets the goal in the national context. However, these practices persist in many parts of the world, because legislation by itself, even when sincere efforts are made for its implementation, cannot wholly eliminate them. On the other hand, the battle against slavery and bondage cannot be won without legislation.

Certain serious deficiencies persist in national legislation on slavery and bonded labour:

- While the constitution of a country may prohibit slavery and bondage, the punishment for contravention has to be provided by law.
- Legal statutes do not always define bondage with sufficient precision. It is, therefore, often unclear whether a particular practice comes within its definition. For instance, article 149 of the Brazilian Penal Code condemns slavery, but does not define the term used, *plagio*, leaving it to the enforcement agency to interpret it.
- The lack of rules and instructions on the implementation of the statute often renders it a dead letter. For instance,

in Pakistan the rules under the Bonded Labour System (Abolition) Act, 1992, were issued by the Federal Government in July 1995. Without these rules, it was not possible for the provincial governments to empower the district magistrates to release and rehabilitate bonded labourers.

- The population, and in particular the social groups which are the most at risk, lack information because of insufficient diffusion of information, dissemination in a language which is not the ordinary language of the population, or dissemination only through the written press whilst the populations at risk are illiterate. This lack of information, and more generally the lack of education on human rights, is a crucial point for action, all the more since debt bondage, for example, is often profoundly anchored in the social customs of the populations concerned.
- The schemes for the identification, release and rehabilitation of bonded labour are designed with adult bonded labourers in mind.
- The most serious deficiency in the legal system is the weakness in implementing the law. Although the general criminal law has an application in the case of bondage, it is seldom used to protect bonded workers.

Principal obstacles to freeing bonded child workers are the hidden character of the problem and powerful vested interests to maintain the status quo. Local authorities are not keen or able to follow rules and regulations set at the national level, citing administrative apathy or complicated legal procedures. Such resistance prevails because servitude is deeply rooted in rural social and economic structure. Reinforcing the lack of political will at the highest places of authority is the apathy engulfing both the victims of servitude, who are not aware of their rights and the general public, who lack information on the human suffering taking place in their country.

The few NGOs who actively combat bonded child labour face serious resource limitations and other obstacles. In some countries, these NGOs are considered by the

authorities to be engaged in subversive activities. The mistrust sometimes existing between government and NGOs involved with child rights and child labour prevents cooperation between them and hampers efforts by international organisations to support NGO activities in this field.

National legislation on bonded labour in India and Pakistan

India

"The Act provides that the bonded labour system shall stand abolished and every bonded labourer shall stand free and discharged from any obligation to render any bonded labour. The law provides for the establishment of vigilance committees which include members of scheduled castes or scheduled tribes and social workers. The committees advise on proper implementation of the Act, provide for economic and social rehabilitation of the free labourers, coordinate the functions of rural banks and cooperative societies with a view to providing adequate credit to the freed labourers, and defend any suit instituted against a freed bonded labourer for the recovery of bonded debt. Under the Bonded Labour System (Abolition) Rules, 1976, the registers maintained by the vigilance committees must include the names and addresses of the freed bonded labourers and details of the benefits which they receive, including benefits in the form of land, inputs in agriculture, training in handicrafts and allied occupations, and loans. Under the Act's enforcement measures, 'compulsion to render bonded labour, advancement of bonded debt, enforcement of any custom, tradition, contract, agreement or other instrument requiring any service to be rendered under the bonded labour system are punishable with imprisonment for up to three years and a fine'".

Pakistan

"... In Pakistan, the Bonded Labour System (Abolition) Act, 1992, declares the abolition of the bonded labour system and states that every bonded labourer is to be freed and discharged from any obligation to render any bonded labour.

No suit or other proceedings can lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof. The Act provides for special enforcement measures, including the setting up of vigilance committees at district level. These committees comprise elected representatives of the area, representatives of the district administration, bar associations, press, recognised social services and labour departments of federal and provincial governments. Their functions include advising the district administration on matters relating to the effective implementation of the law, helping in the rehabilitation of freed bonded labourers, monitoring application of the law and providing bonded labourers with the necessary assistance to achieve the objectives of the law. The Bonded Labour System (Abolition) Rules, 1995, provide that provincial governments are to establish one or more authorities to deal with the restoration of the property bonded labourers and confer upon every district magistrate the power to inspect workplaces where a system of bonded labour is suspected to operate. Provincial governments are also to establish vigilance committees to enforce the Act, as well as a fund to finance programmes to assist bonded labourers. Compulsion to render bonded labour or extracting bonded labour under the bonded labour system is punishable with imprisonment from two to five years or with a fine of 50,000 rupees, or both".

The suppression of slavery must be achieved at the national and local levels for it requires not only measures which are within the jurisdiction of each government, but changes in social practices which are at times profoundly anchored in national history and culture. Such changes cannot be brought about without the committed engagement of local populations. In order to be effective, all policies and projects must be specifically targeted to slavery and bondage. Practical action should address three main target groups: society in general, the slave owners and the children in bondage.

Preventing child slavery

Priority must be given to prevention. This is the least costly

action for society; it affects the greatest number of children, and its effects are long-term. Preventive action should take place in the legislative, economic, social protection, and educational and advocacy spheres.

Legislation

In countries where bonded child labour exists, legislation should be enacted to deal with the problem:

- In many cases, legislation needs to be revised and provide for precise definitions of the forms of slavery and bondage existing in the country. Slavery must appear as a crime;
- Sanctions that are tough enough to be dissuasive should be provided for;
- The question of the liquidation of existing debts and other obligations must be answered unambiguously;
- Regulations must be established to facilitate the implementation of the law, in particular to ensure rapid action from the judiciary;
- The law must envisage the possibility of special jurisdiction to be able to confront simultaneously a concentrated number of children in bondage at the same site and to safeguard the independence of the tribunals and institutions charged with executing the decisions taken;
- Laws and regulations should also be transmitted swiftly with the appropriate instructions to the local institutions and authorities charged with enforcement;
- Laws and regulations should be communicated to the victims, the offenders and society at large in a manner that is comprehensible to them, for example, in local languages and over the radio, or through meetings if the concerned population groups are illiterate; and
- Legal aid should be placed at the disposal of the child victims' parents to enable them to claim their rights, and special arrangements should be made, where required, to find the parents within a reasonable time-limit if the child is separated from them.

Poverty and social exclusion

Poverty and social exclusion should be addressed according to the needs of the concerned population groups. Agrarian reforms which provide access to land and incomes, as well as employment-promotion measures and social protection for disadvantaged families can be effective in preventing bondage. In most cases, the bondage of a child is the consequence of an urgent temporary financial need.

Providing credit opportunities other than via the employer and the region's dominant landlords, could break the vicious circle and provide an opening for the gradual lessening of dependence. Close to 10,000 institutions providing small loans have been listed in the world and many of them are modelled on the Grameen Bank approach. NGOs with the capacity to adapt appropriate micro-bank models to the local situation and introduce them to communities at risk might be one of the most promising ways of countering bonded labour.

Information, education and social mobilisation

Government and other concerned groups should be encouraged to:

- Launch research on bondage situations and facilitate analysis by organising meetings between experts of complementary disciplines;
- Diffuse information to all segments of society, provoke condemnation of bondage practices and mobilise the entire population;
- Make known to the families at risk their rights and the ways in which they are able to have them respected;
- Increase education on human rights, in particular children's rights;
- Insert in administrative personnel training programmes an introduction to the problem of child slavery and bondage;
- Launch sensitisation programmes in employers' and workers' organisations;
- Provide a specific component on child bondage in the training of labour inspectors and police officers; and

- Set up effective protection for researchers, journalists, social workers and various activists who denounce practices of bondage.

Action against slave owners

Slave owners simply cannot be treated as employers of children who must be persuaded to cooperate with programmes of action. They are guilty of a crime. A policy of deterrence must be set up and the population informed of this policy. It could include the following elements:

- Provision of sanctions strong enough to serve as both punishment and dissuasion;
- Acceleration of judicial process in regard to bonded child labour; and
- Punishment of all persons and institutions who actively participate in placing a child in bondage, not only the direct employer but equally the recruiters, escorts and surveyors.

Targeting children in bondage

The experience of direct action programmes concerning children in bondage, although limited, clearly presents two major lessons: firstly, without action directed towards society in general and slave owners in particular, activities targeting bonded children will have limited results and will not alone suppress the practice of bondage; secondly, support programmes must be organised taking into account that the child is in slavery and not simply at work under harsh conditions. Direct action with bonded children involves three stages: identification, release and rehabilitation.

Identification

Identification means not only physically discovering a child in slavery-type situations, but having the child recognised as such. Slave owners often deny that a state of slavery exists. Possible counter-actions include:

- launching periodic appeals to the population to denounce known cases of slavery;
- Having labour inspectors, police and social workers

- systematically verify whether children at work in slavery-prone areas are in bondage;
- Informing and sensitising parents so that they will testify about the slavery of their children; and
 - Setting up procedures permitting children to express themselves on their situation.

Release

Firstly, the children must be physically taken out of their slave environment. This requires the parents, the child or the workmates to overcome physical barriers and thwart the surveillance of the guards in order to escape, which is often difficult. Outside intervention is therefore usually necessary but cannot be organised by an individual who has no right of entry to private property.

Specific solutions could include the creation of special police units and the granting of a legally recognised intervention power to certain special authorities. Secondly, one must ensure that a child who has been freed from bondage is not recaptured by the employer. A very long period of time may elapse before the child is able to be returned to its parents. Often the child is distraught and traumatised by violence.

The slave owners may take advantage of this to regain control of the child. Temporary reception centres must be set up. Since speed of operation is a key factor, emergency procedures must be elaborated enabling the identification and the release of the child to be effected simultaneously. Thirdly, there is no real liberation until the debt which binds the child to the employer has been officially nullified. Such a decision in law assumes the participation of the two parties. As the parents of the child are often paralysed by fear of the employer and by lack of awareness of their rights, free legal aid should be put at their disposal.

Rehabilitation

Rehabilitation means supporting the return of the child to a community. It must respond to two fundamental needs of the liberated child. Firstly, the child must be guaranteed the material needs for survival. It goes without saying that

if the economic situation of the family remains unchanged and if the causes which had provoked the bondage persist, the provision of a temporary allowance, for example, would have little effect. Secondly, specialised treatment is needed to repair the psychological damage suffered by the child and to assist the child's reintegration in society.

Prevention and elimination of bonded child labour

In Pakistan, a major pilot programme has been launched to prevent and eliminate child bonded labour. It is the first comprehensive programme to address child bonded labour in the country through concerted action by governmental and non-governmental organisations. The programme focuses on direct action with children and their families; strengthening government machinery responsible for law enforcement, social welfare and education at the local, provincial, and national levels; and strengthening capacities of NGOs. In addition, child bonded labour in the production of carpets will be targeted through future action programmes to eliminate child labour.

The programme's strategy is to mobilise a broad alliance of governmental and non-governmental agencies, communities, employers, parents and children in taking joint action against child bonded labour through a three-pronged approach:

- Establishing 18 Community Education and Action (CEA) centres for a selected number of children in specific economic sectors and occupations with a high incidence of child bonded labour; withdrawing a selected number of bonded children from exploitative and hazardous work, and preventing their younger siblings from entering such work, and mobilising communities to prevent child bonded labour;
- Strengthening the capacity of the Directorates of Labour and Welfare to monitor workplaces, to withdraw bonded children and to ensure that these workplaces become and remain free of child bonded labour; and
- Institutional development of other key governmental agencies and selected NGOs to provide an integrated

package of support services to ex-bonded child workers, their younger siblings and their families to prevent further child bonded labour through community mobilisation.

A broad-based national task force on prevention of trafficking in children was set up under the Ministry of Women and Social Welfare in Nepal to provide guidance and policy advice for the implementation of action programmes against child trafficking. The Task Force consists of representatives of the concerned government ministries, representatives of the National Planning Commission, the police, and NGOs dealing with the issue. International organisations, such as the ILO and UNICEF, provide technical support to the Task Force.

The Ministry of Women and Social Welfare, in consultation with the National Task Force, has instructed the chairpersons of 19 District Development Committees to set up District Task Forces with themselves as the Chairpersons of the Task Forces, the Chief District Officers as the Vice-Chairpersons, and representatives from the police, social organisations, local NGOs, and District Child Welfare Boards as the members. The District Task Forces will be authorised to play an active role in coordinating district-level activities against trafficking in children and their commercial sexual exploitation; identifying the vulnerable village development committees and communities in the district and assisting in the implementation of suitable programmes in the affected areas.

A consultative workshop on the development of the National Plan of Action against trafficking in children and their commercial sexual exploitation was held in Kathmandu from 22 to 24 April 1998. Sixty representatives from governmental and non-governmental organisations, employers' and workers' organisations, representatives of diplomatic missions and United Nations agencies, the police, NGOs and donor organisations participated and identified the following six areas of action to prevent trafficking:

- (i) policy, research and institutional development;
- (ii) legislation and enforcement;

- (iii) awareness creation, advocacy, networking and social mobilisation;
- (iv) health and education;
- (v) income and employment generation; and
- (vi) rescue and reintegration.

Comprehensive rehabilitation of released bonded children in India

Amongst the existing release and rehabilitation programmes for children formerly in bondage, Mukti Ashram, linked to the South Asian Coalition against Child Servitude (SACCS), in a suburb of the Indian capital, New Delhi, merits particular attention. It was created in 1990 and has since rehabilitated close to 1,600 children. One of the successes of this approach is the increased number of children and youths who, after rehabilitation in their communities of origin, have become engaged in the fight against bondage.

Most of the children, between the ages of six or seven were lured away or kidnapped from their native villages and taken to workplaces in industries, mines, construction sites and the agricultural sector, hundreds of miles away. The children, who often cannot understand or speak the local dialect are confined to toil day in, day out, without any wages or cash remuneration. Fifteen to 18 hours of work without adequate or proper food, abuse, beatings, isolation, and humiliation are common. The children grow up and accept slavery as their destiny. They are not allowed to change the job or go back home to join their parents or relatives. Education, recreation, play, fun or even crying for their parents is beyond their imagination. The entire concept of Mukti Ashram has been designed to bring back their lost joy, hope and childhood.

When the children are freed they are traumatised, physically sick, and completely broken in heart and soul. They have no idea of good or bad education. It is very difficult to resocialise them in families and villages. They are without any skill, initiative or enthusiasm. SACCS aims to ensure that these victims of slavery become their own liberators and leaders. This task is only possible by and adolescents in the programme.

The staff running the Ashram are freed-bonded labourers and victims of exploitation, particularly those belonging to the lowest castes in India. They have been trained and educated to meet the requirements of the Ashram. Doctors, psychologists and extension workers are given special orientation to work with these children in a participatory manner. The management hierarchy is inverted to bring about a change in the enslaved attitude of the children. For example, the Chairperson and Director are required to clean the latrines, which is normally considered as the most degrading work and normally done by untouchables. It gives a mental jolt to the children observing these unimaginable acts.

The Ashram reflects the environment of a village ambience. Learning, playing, physical exercises, cooking, eating, sleeping and all routine activities are done collectively. Special cultural events, religious and traditional festivals are celebrated in a manner that they can learn the new interpretation of such events, the essence of norms and values; and, communal life. The need and advantage of democracy, the entitlement to vote and leadership aspects are taught through plays and songs. Folk culture and the use of local dialects are encouraged to give them a sense of belonging, and enable them to express themselves and gain self-confidence.

Basic literacy, social education and skills training are provided to the children for a period of three to six months. The children are stimulated, to give feedback to the staff and others. Group training and its benefits, chanting slogans, argumentation and oratory skills, initiatives and risk-taking, wall-writing, poster making, effective communication, the handling of money and problem-solving skills are among the learning activities.

Contemporary forms of slavery

The working group on contemporary forms of slavery was established as a permanent monitoring system of the application of the United Nations Conventions on slavery. It meets annually in Geneva and examines all forms of slavery throughout the world. The working group encourages the

widest participation possible in its work, inviting all organisations, including NGOs, to present documents, evidence or recommendations.

Governments are attentive to the information presented to the working group, whose principal strength lies in its ability to bring to the recognition of the international community situations of slavery or violations of human rights existing in a specific place, and exert pressure on those responsible. Local NGOs and community groups (such as vigilance committees) are often the best placed to be acquainted with child bondage situations. They can participate more actively in the working group by sending written evidence directly or via the NGOs which usually participate in the work of the group, or by going to Geneva to present the evidence themselves during the session of the working group.

The United Nations voluntary trust was created in 1992 and facilitates the participation of NGOs in the sessions of the working group on contemporary forms of slavery by providing support (technical, humanitarian, legal or financial) to groups or persons victimised by slavery.

The United Nations committee on the rights of the child is an internationally elected body of independent experts established to examine the progress made by states parties in meeting the obligations of the convention on the rights of the child. The committee examines country reports prepared by the states on the status of their children and the measures taken by them to implement the convention. The Committee accords particular importance to child labour. To improve its assessment of the reports supplied by the governments, the committee invites NGOs to submit comments on the country reports.

In certain countries, NGO coalitions provide the committee with a counter-report on children's rights, if they consider that the government report does not actually reflect reality. In other countries, governments have invited civil society, notably through NGOs, to participate in the elaboration of the report.

The NGO group for the convention on the rights of the child facilitates contact between the non-governmental community and the committee on the rights of the child. Defence for children international serves as the secretariat for the group. The NGO meetings take place in Geneva, jointly with the committee's sessions so as to take into account NGOs' views in analysing national reports. A subgroup has been established especially for child labour, for which coordination has been entrusted to anti-slavery international. All NGOs can send documentation directly to the United Nations Committee or through the NGO Group.

DEVELOPING PROGRAMMES

Several other countries have addressed some aspects of the problem, for example in domestic service, in agriculture and in commercial sexual exploitation. IPEC helps countries develop comprehensive responses to the problem by adopting a series of interventions at local, national, regional and international level. In a country where the practice has been identified, practical steps can be taken to start action programmes. IPEC's focus is on assisting partner organisations at the governmental and non-governmental level to effectively prevent the problem of child trafficking so that the practice will be totally eliminated.

Prevention of the problem is the key solution. Once victimised, the children suffer extreme physical, psychosocial and emotional abuse which results in lifelong and often life-threatening consequences. Simultaneously, support is extended to partner organisations to rehabilitate the child victims, not only because they need urgent help, but also because demonstration projects for the victims are a powerful tool to mobilise societies against the worst forms of child labour.

A broad policy framework should include a comprehensive national policy and programme of action covering legislative reforms, effective systems to monitor the enforcement of decisions taken by the authorities, prevention, and rehabilitation and socio-economic reintegration programmes for victims through access to basic, relevant education, economic alternatives and

awareness-raising among children and families. The following are examples of key components of a strategy for action against child bondage that can be carried out in different countries and regions, taking into account the context and needs in each country or region.

National level

Formulation of a national plan of action against the bonded labour system and child bondage

This includes:

- Preparing national reports on bonded labour systems and the nature and extent of child bondage;
- Organising a national consultation on the forms of bondage, and the best ways of detecting, releasing and rehabilitating bonded labourers, including bonded children; and
- Formulating a national plan of action for the eradication of the practice and rehabilitation of the victims.

Strengthening legislation and enforcement procedures with reference to the scope and application of international conventions

This includes:

- Examining various forms of bondage relative to the existing legislation, identifying deficiencies in the coverage of legislation, reviewing the adequacy of measures in legislation for the release and rehabilitation of victims and prosecution of offenders, including the level of punishment prescribed for the offenders; and
- Reviewing enforcement, including prosecution of offenders and the strength and effectiveness of the inspectorate.

Institutional capacity-building at national and local levels

This includes:

- Establishing a national focal point to serve as a stimulus and to facilitate coordination among all partners;
- Forming a broad-based national task force which would

advise on policy and programmes on bonded labour legislation and its enforcement (particularly concerning the remission/waiver of loans and release from bondage), as well as carry out surveys to identify bonded labourers and assess their indebtedness and socio-economic status with a view to their rehabilitation; awareness campaigns; orientation of governmental and non-governmental staff, and rehabilitation schemes; and

- Forming vigilance committees to assist in identifying bonded labourers, provide legal education and oversee their release and rehabilitation.

Direct action programmes to prevent, rehabilitate and re-integrate bonded children

These include action programmes to:

- Liberate children in bonded labour in specific geographical locations;
- Implement rehabilitation and socio-economic reintegration programmes not only to receive the children once liberated but also to progressively guide them into a normal social life;
- Set up a rehabilitation fund and the procedure for its operation;
- Implement savings and credit schemes for poor families who are vulnerable to resorting to child bondage; and
- Provide basic, relevant education to prevent child bondage.

Awareness-raising on the problem of bonded labourers and children in bondage among parents, employers, local communities, the general public and policy-makers

This includes:

- Collecting and assessing information on a continuing basis on children in bondage and bonded labour systems, on the law and its enforcement, and on efforts made for prevention, debt repayment and rehabilitation;
- Disseminating information and sensitising parents, the community, school teachers who are in a position of leadership in rural communities and all sectors of civil society; and

- Organising public hearings and debates on child bondage, for example, in Parliament, and during specific human rights and children's rights-related events.

Measuring progress at local and national levels

- Organise consultations among all key actors at local and national levels to review progress and problems and strengthen strategies for action.

International level

- Link action at the national level with the United Nations Working Group on Contemporary Forms of Slavery, the ILO Committee of Experts on the Application of Conventions and Recommendations and the United Nations Committee on the Rights of the Child;
- Organise an international conference on child bondage; and
- Conduct international campaigns against child bondage in collaboration with other international organisations and international NGOs.

Strategy for action against child trafficking and the commercial sexual exploitation of children focuses simultaneously on trafficking within countries as well as across borders. The following activities will be carried out in different countries and regions depending on the context and needs in each country or region.

1. Appraisal of the problem and existing responses; identification of national, subregional and regional strategies for action:
 - Development of national policy and programmes of action by analysing the scope and current trends in trafficking of children, reviewing the existing responses to the problem (legislation, institutional mechanisms and types of intervention at the governmental and non-governmental level), and organising consultative workshops at local and national levels;
 - Summarising the main findings, of national reports and compilation of subregional synthesis reports,

leading to strategies for action at the national and sub-regional levels; and

- Organisation of subregional consultations to discuss and adopt bilateral, subregional and regional strategies for action.
2. Implementation of comprehensive programmes against trafficking in children:
- Intensive awareness-raising campaigns among the groups at risk, their environment and society at large;
 - Strengthening law enforcement, including the development or revision of legislation where necessary and the promotion of its application through the training of law enforcement personnel and the establishment of community "watch-dog" systems;
 - Undertaking investigation and rescue operations, bringing cases to prosecution and rehabilitating the victims; and
 - Mobilising participation of and facilitating coordination among key actors, namely the police, non-governmental and community organisations, public prosecutors, and local and national governments.

The in-country programmes will be reinforced by action at the subregional or international level, because it is recognised that concerted action is needed in sending receiving and transit countries to stop child trafficking. Therefore the aim is to develop inter-country mechanisms to prevent the problem and to provide protection and rehabilitation to the victims. This means that a series of social and legal measures will be proposed and agreed upon by countries in each region.

Sale of Children

"My wife and four children were abducted during a raid in March 1994. Three of my children and my wife managed to escape, but my eight-year-old daughter remained behind. She is now kept in Maykata by a man who bought her from her captor. When I discovered where she was, I went north and tried to get her back by legal means. I opened a case against the man at the police station, and had to pay the police 20,000 Sudanese pounds (approximately US\$250) to do this. A police officer... accompanied me to the home of the man. This man refused to give me my girl and demanded 50,000 Sudanese pounds for her release. The policeman said that as the man had bought the girl from her captor, she was his property and he could not insist on her release. I was forced to leave her there where she is badly mistreated by the man's wife.... I also lost the 20,000 pounds which the policeman refused to return to me. I had to return home empty-handed."*

The phenomenon of the sale of children is universal. The tragic circumstances leading to the abuse and exploitation of children cuts across the barriers between the developing and developed world. The issue confronts most societies, although the typology and degree vary from country to country. Children are not only sold or exploited at the national level, but they are also trafficked across frontiers far and wide.

*Testimony collected by Christian Solidarity International in May 1996.

Concerning the notion of "sale", different interpretations appear in the two major legal systems—common law and civil law systems. The concept of the sale of children has many forms:

- A sale involves a child sold by one person (the seller) to another (the buyer);
- A child transferred to another in exchange for a sum of money or other considerations which do not constitute the price of the child but which nevertheless represent unjustified profits, for instance, bribes;
- A child is rented to another person, for example, for the purpose of sexual exploitation or exploitation of her/his labour when the sum paid is completely unrelated to the work the child has to do;
- A child is held until the parent or guardian is in a position to meet a financial obligation.

In order to secure a consensus interpretation, one may use the definition derived from the 1956 Supplementary Convention on the Abolition of Slavery.

The Slave Trade and Institutions and Practices similar to Slavery are as follows:

"The transfer of a child from one party to another, for whatever purposes, in exchange for financial or other reward or compensation."

It is not a simple matter to define who is a child. This is because age criteria can vary across different systems or different cultures. In addition, there is an admixture of other terms, for example "juvenile", "minor", "adolescent" and "youth". Nevertheless, as we are all aware it was not until 1990 that the Convention on the Rights of the Child gave in Article 1 the standard concerning the definition of a "child":

"..... a child means every human being below the age of 18 unless, under the law applicable to the child, majority is attained earlier".

Sale of children again, as in the notion of "sale" and "children", different approaches can be seen in regard to the "sale of children". For instance, one UN document limits the

notion to sale for adoption, sale for forced labour and sale for prostitution. On the other hand, one non-government organisation's report includes the sale of children as their sale for

- adoption and marriage,
- prostitution and sexual exploitation,
- pornography,
- cheap bonded labour,
- begging, stealing and other criminal actions and
- organ transplants.

In addition, as child labour entails the sale of a child, the following concepts of sale could also be considered: armed conflict; adult criminal activities; forced labour or abducted children; debt bondage; labour in the unorganised sector; labour in the organised sector; child prostitution; pornography and sexual exploitation; forced marriage; disabled children in the labour force; domestic labour; apprenticeship and family-supervised labour.

As mentioned above, it is recognised that the exploitation of child labour is a form of sale of children. Generally speaking when one considers the notion "child labour" *per se*, it is not necessarily detrimental to children. However, when it gives rise to exploitation, usually by another party who has power over the child, it may result in negative consequences for children, both with regard to their rights and their development. It also constitutes sale because the child becomes the object of a transaction in cash or in kind. It appears that, in many parts of the world, children are sold into several types of employment, either by their parents, guardians or other intermediaries.

The International Labour Organisation (ILO) estimated that there were some 88 million working children between ten and 14 years of age. Instances of exploitation are to be found in all regions of the world but Asia and South America figure high in the number of children in difficult circumstances. It is noted that the worst forms of child labour exploitation often take place in the informal sector and small-scale industries.

Generally, the exploitation of child labour may arise from a variety of root causes, including poverty, migration, gender discrimination and criminality.

Much of the exploitation appears to be a consequence of the pervasive poverty in developing countries. Likewise, economic needs push children to undertake exploitative work in developed countries. As children are cheaper and easier to employ, adults are kept out of the labour market. According to the notion of "globalisation", at present, it appears that people have become more mobile, travelling easily to other countries. This mobility is also reflected in their search for jobs. As a result, it leads to the emergence of migrant labourers and immigrants shedding new light on the old problem of child labour.

In many societies the preference for boys, coupled with a chauvinistic attitude towards the development of women, often places girls at a disadvantage. Viewed by many countries as having lower priority, the girl child is usually denied access to educational and occupational opportunities which could protect her from labour exploitation.

With respect to the sale of children for exploitative child labour, socio-cultural disparities may also contribute to the sale of children. Many societies display historical injustices and traditional taboos. The phenomenon has racial and social origins, interwoven with issues of class and caste and the remnants of slavery. It is obvious that children used for labour exploitation are lured from particular racial or social groups, rather than from the well-endowed groups in power.

The sale of children is the product of crime. Although child labour has been with us from time immemorial, criminal syndicates and individuals are manipulating children in new ways as instruments of crime. The use of children to sell drugs, to steal and to commit other offences is probably an apt example of this situation. Much of it is linked to corruption within national systems and some law enforcement authorities colluding with criminal elements. This is compounded by the fact that although various countries have laws to protect children, there is a huge gap between the norms and existing practices; many countries

suffer from poor law enforcement. The exploitation of child labour is often the product of such deficiencies and related vested interests.

At the international level, various instruments provide an umbrella of protection for child labourers. Under the auspices of the ILO, a series of conventions and recommendations on the exploitation of child labour has been developed. One key convention is Convention Number 138 which establishes 15 as the basic minimum age of employment, although reduction to 14 may be possible in developing countries. The ILO conventions and recommendations have been strengthened by the advent of the Convention on the rights of the child. The CRC emphasises anew the issue of sale linked with child labour. Article 32 states that "children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development". The Convention calls for the stipulation of pluridisciplinary measures, for example, legislative, administrative, social and educational measures to:

- a) Provide a minimum age or minimum ages for admission to employment;
- b) Provide for appropriate regulations of the hours and conditions of employment; and
- c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

In the case of migrant workers, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, also protects those in irregular situations, for instance, those employed without proper documents in another country; they retain their rights *vis-a-vis* their employers, even in such a context. Although various legal frameworks have been established, the issues of implementation and programme planning to realise specific targets remain.

The 1990 world declaration on the survival, development and protection of children, highlighted the need for specific

programmes of action at the national level. In addition, the UN Commission on Human Rights adopted the programme of action for the elimination of the exploitation of child labour in 1993. This programme of action advocates a number of measures which should be implemented, particularly at the national and local levels. These include the following:

- Information campaigns to raise awareness of the problem;
- Educational and vocational training to prevent child labour exploitation;
- Social action to help families and their children;
- Development aid;
- Stipulation and application of labour standards;
- The adoption by states of appropriate policies and programmes, for example, provision of primary education for all; and
- Support from international agencies.

Moreover, in terms of programming, in Islamabad in November 1992, the international labour office, within its interdepartmental project on the elimination of child labour, helped to organise the Asian regional seminar on Children in Bondage, which developed and adopted a programme of action against child bondage.

Concerning laws prohibiting or regulating child labour, it appears that these vary in aspects such as the age of employment and the type of work allowed. The enforcement of such legislation is often weak, and tends to cover only the formal sector. In 1993, instances of rampant child labour exploitation were found in both developing and developed countries, though the extent varied according to the region.

In South Asia, the issue of child marriage was raised several times in 1993, particularly concerning customers buying young brides. The plight of child domestic workers and transnational trafficking of children emerged throughout the year. There is also a demand factor regarding South Asian children, both local and transnational, particularly with customers from the Middle East countries. In addition,

numerous concerns were expressed in relation to children trafficked for camel racing in the Gulf countries.

In East Asia, the sale and trafficking of children for labour exploitation is still rampant both locally and across borders. The issue is closely linked with the sex market.

In Africa, the exploitation of child labour in the informal sector was reported in various countries in 1993. In particular, the girl-child is a victim of exploitative domestic service. At times, there is a link with the remnants of slavery, such as the sale of children for forced labour, particularly from certain ethnic groups.

In Central and South America, the number of children at work is large, especially as there is a vast population of street children. There were disturbing incidents of killings of street children during the past year. In this region, too, the problems of child domestic workers and the use of children in the informal sector are rampant.

In Europe, the problem of child labour exploitation poses a challenge to many countries. This includes a specific linkage with children used as instruments of crime and as domestic workers.

While there are national and international laws, including various plans and programmes of action which cover most of the situations, law enforcement leaves much to be desired. In addition, the existing laws tend to be remedial rather than preventive.

States, national and international organisations are invited to bear in mind strategies of prevention, protection and rehabilitation in curbing the exploitation of child labour. All strategies involve short-and long-term planning, implementation and evaluation.

A key priority for action in the short-term, with long-term implications, is in the area of prevention. States along with national and international organisations should promote anti-poverty strategies, improved flow of information, universal primary education, community consciousness raising, mobilisation, the satisfaction of basic needs, occupational opportunities and alternative forms of employment for families.

Protection of children from child labour exploitation depends upon adequate and effective laws and policies together with their implementation at the national and local levels. All countries already have laws which can be used to protect children, for instance, the criminal law. These should be implemented in a more committed manner. The quality of the law enforcement authorities, namely police force, immigration authorities, judges, inspectors and others, needs also to be improved.

In relation to transnational child labour exploitation, improved links between INTERPOL and national police are required to identify transnational networks. Moreover, extradition arrangements should be expanded so as to facilitate the transfer of alleged criminals to face charges in the country where the abuse has taken place.

States and national and international organisations should take remedial action to help children who are exploited. This may include juridical remedies, such as prosecution of abusers and the provision of legal aid and assistance and/or socio-medical remedies such as the provision of hospices, counselling and other support facilities. On another front, appropriate spiritual remedies, for example, religion, should also be considered as a tool to counter problems.

Facilities should be provided to help those with health problems, including HIV/AIDS. These may include medical and community facilities to help children and their families, as well as measures to protect them against discrimination and other harm. Emphasis should be placed upon family-based and community-based rehabilitation rather than state institutionalisation.

Particular attention should be paid to child trafficking. This entails proper safeguards, including independent monitoring and follow-up, for children to be returned to their country of origin. Pending their return to the country of origin, they should not be treated as illegal immigrants by the receiving countries but dealt with humanely as special cases of humanitarian concern. Upon the children's return, the countries of origin should treat them with

respect in accordance with international human rights principles.

In relation to child labour, the whole range of measures advocated by the UN Commission on Human Rights' programme of action for the elimination of the exploitation of child labour, 1993, should be implemented. There should be stricter law enforcement in the case of child labour, with more incentives for exemplary law enforcement personnel. All vestiges of bondage should be eradicated, and attention should be paid to the plight of the girl child. The programme of action against child bondage, 1992, should also be placed as a priority for all parties concerned.

More emphasis should be placed on the plight of domestic labour, particularly in regard to children, laws may be required to prevent abuse in this field. Again, their basic human rights should be protected.

Street Children

Working children have an image problem whereas street children are highly visible. Thus, there are few projects aimed directly at working children and many thousands that work with street children. Yet all street children are in some sense working, in that they manage to get the means of daily survival. Many simply work on the streets, as shoe shiners or vendors, for instance, and attending school and going home at night to their families. These are not the wild abandoned street children of the popular image. However, it is difficult to separate the two types, which causes problems for project planning.

This chapter looks at the planning for both visible and invisible children. If it has a bias, it is towards the more visible urban children of developing countries. This is partly because there is more project experience in this area to draw on and many of the lessons learned can be extended to work with other children. It is also difficult to ignore children working and living on the street and this can be the initial stimulus to begin projects with them which may be developed later with their less conspicuous contemporaries. It begins by assuming that reader knows very little about the topic, but has been moved by the plight of these children and wishes to know how to do something to improve their lives and to learn from the experiences of other projects.

Strategies and interventions aimed at street and working children require an explicit child-centred focus. The participation and involvement of children is critical in all

stages of the programming cycle, so as to have relevance to their life situations—involvement of children leads to their empowerment and confidence building, allowing them greater expression. Child-to-child approach needs to be actively promoted, avenues explored and opened for child-to-child, as well as, child-to-policy maker dialogues and interaction.

A gender perspective was emphasised as critical for well designed interventions and sensitivity to gender issues and concerns require to be considerably sharpened. Young girls may not be as 'visible' as boys, and it is likely that data on child labour and programmes often bypass and neglect the situation of working girls and their occupations. Opening opportunities to working girls for education, training, better health, legal protection to advance their cause is equally important.

The need to look at the child labour issue in a holistic context was reiterated consistently throughout the workshop. The programme approach called for multi-sectoral, multifaceted and integrated interventions for education, health, employment, legal enforcement and protection, advocacy and social mobilisation, through inter-ministerial coordination and cooperation. The multi-dimensional element included interventions at various levels—the child, family, community, government, regionally and at the international levels.

A high priority was given on to the role of the family as the nurturer and protector of children which also played a major role in value formation at an early age and in maintaining family stability. Social values and attitudes that accept child labour was a question of deep concern and should be thoroughly addressed through education and awareness creation.

Special and deliberate efforts starting with situation analysis were required to bridge the knowledge and information gaps that exist regarding the invisible child labour force in the informal sectors. Closer links were needed with employers, worker's organisations, non-governmental organisations and governments to engage

jointly in identifying "invisible" child workers and addressing their need.

Universalisation of education is a priority and a best alternative to prevent children's entry into the work force and critical to addressing the root causes of child labour. Complemented with non-formal educational opportunities and training, it can be a strong mechanism in developing an educated and skilled human resource base to promote economic growth and development. Participants were urged to step up advocacy efforts and campaigns to favour street and working children as an intervention of extreme importance. Public opinion needed to be mobilised and public indifference challenged. Advocacy required consistent dialogue with and between policy makers, trade unions, employers, media, community leaders, parents and various other private and public sector organisations.

Child labour required numerous partnerships and arrangements and collaboration at national and regional level. Public and private sector efforts at national level required complementarily and strengthening. Often self-righteous attitudes in organisations distanced them from allies in government. At the international level, ILO has a leading role to play in global partnership with UNICEF, UNDP, UNFPA, UNESCO, WHO, World Bank, each having an important responsibility. The workshop was a reflection of the close collaboration between ILO and UNICEF each with a mandate to address issues of child workers and child rights. A further examination and analysis was considered appropriate in certain critical areas: economic costs of child labour and education, impact of economics in transition (from centrally planned to market economics) in Asia on child and labour, economic empowerment of families.

Sexual Exploitation and Child Labour

In the last few years sexual abuse of children had increased considerably, and every tenth child in India was sexually abused. The preponderance of girl prostitutes from Nepal and Bangladesh can be attributed to prevailing abject poverty and ignorance in both these countries in comparison to India. The Government of India's Central Advisory Committee consisting of government officials and representatives from NGOs, first attempted to assess the magnitude of child prostitution, and found no reliable statistics either on the number of prostitutes in the country, or the number of child prostitutes.

The Convention on the Rights of the Child clearly lays down the role of the state in the protection of the child in Article 34, where it notes that the state will undertake to protect the child from all forms of sexual exploitation and abuse. Articles 35 and 36 state that all appropriate national, bilateral and multilateral measures will be taken by the state to prevent abduction, sale and traffick in children, coercion to engage in unlawful sexual activity, and all forms of excitation such as prostitution or pornographic performances. It also states that all children must receive the opportunity to discover their identity and realise their self-worth in a safe and supportive environment. But when a child is sexually exploited, what is denied is his or her childhood. The very basis of the child sex industry designating of a child as a commodity for sale and purchase demeans and dehumanises the child. It also serves the

sexual drive of sexually immature men who seek emotional release by exploiting a completely powerless slave child.

The sexual exploitation of children does not occur in a vacuum but involves a more widespread exploitation, sexual or otherwise. Poverty and ignorance are the underlying causes of this worldwide phenomenon, as families rely on their youngest members to contribute to the household income. The child in prostitution is a victim of paedophiles who pose as tourists and of traffickers who force them into this trade.

All over the world, the child's vulnerability to commercial sexual exploitation lies in his or her family circumstances. The majority of sexually exploited children are either from marginalised families in the cities, and destitute families in the country, or children of women already in the sex industry.

The continued sexual abuse of children for commercial gain can no longer be hidden. The issue has now been brought out into the light of day where people can stare directly at it and see the potential for evil and horror and destruction which is always there in the heart of society.

In India, the demand for children comes mainly from the local population. However, India and other South Asian countries are slowly replacing South-East Asia as the venue of choice for foreigners, as there are fewer laws against child sexual abuse, and South Asian children can be bought more cheaply.

The Convention on Rights of the Child has been ratified by 178 countries including India. It gives the NGOs, lawyers, government officials, and police officers, no choice except to take all possible steps in ensuring protection of the rights of children. We do not need more legislations. We already have a number of laws which are not being implemented. The NGO 'role' has almost become a pattern of speech. The chosen rhetoric is that the NGOs are the closest to the target groups, that the NGO role is the critical one. It is a way of transferring responsibility from one sector to another. The government and we, however, cannot escape the responsibility. NGOs can be partners, not substitutes, in the

government's efforts. There is a need to raise public sensitivity to these problems that confront us in our work.

The problem of child prostitution has to be addressed not merely through rehabilitation, but with greater emphasis on prevention. There are backward villages and districts that are the source areas for the traffickers. That is where the real problem is. The brothels in the cities are a symptom of the problem. NGOs working towards rural development should target such poor families that are forced to send their children to earn.

We do not have the skills to search the underworld mafia. It is dangerous. There are people who are making a lot of money in trafficking. We have seen the power of community action in Manila where the parents of the children went on a march and demanded justice; and in Goa where protests are going on; on the beach areas of Sri Lanka, where small community groups are committed to monitor the problem in order to protect their own children. The community has to rise up, and it is not something that is going to be easy.

In recent years, there has been growing awareness in the country of the menacing dimensions and implications of child prostitution. The difference between reality and application of the law indicates that the issue of child prostitution is more hidden than exposed. This sorry state of affairs rather create a number of serious problems in the country and the Human Rights Commission has decided to have this issue considered on regular basis by a core groups comprising, *inter alia*, the National Commission for Women, the Department of Women and Child Development, selected NGOs and UNICEF. This group is, *inter alia* considering adequacy of existing laws and the ways of improving their enforcement, necessity of making progress on such issues holding of public meetings, seminars in the specific areas and so on in order to remove or minimise the child prostitution.

There is a strong correlation between family abuse of children, especially girls, and the drive to enter the sex trade. The mother in particular, plays a central role in her

daughter's life decisions. The evidences show that there is direct commercial sexual exploitation of children due to the family situations. Poverty despair and newly dislocating values promote such incidence of sexual exploitation among the children. Even though poverty is often said to be the cause of sale of children into labour, actually not of poor families sell their children. Some families sell the child due to poverty, unemployment, consumerism and other adverse situations. Sometimes, however, a child is sold into commercial sex by parents who have themselves sexually or otherwise abused the child. The child is found "ready" for sex and able to earn money for the family. Such parents get lumpsum money for their children and put their children into "bondage", a situation in which the child is forced to provide sex to earn money to repay the family's debt to the exploiter.

Commercial sexual exploitation of children is evident in an organised industrial sector from small business to large factories. There are people who use technology to sell the product to promote "good business". This "industry" is on abuse of children involved in deception, enslavement, bribery and corruption at different levels. The impact of commercial sexual exploitation on child has assumed staggering positions. The child loses its childhood, its dignity, often its future. These are unquestionable causes, but these are mal-effects of exploitation which are more miserable. The most obvious of these relates to the health of the child. HIV/AIDS is both a cause and consequence of commercial, sexual exploitation of children.

The evidence shows that children are being chosen as sex partners by the miscreant people who consider sex with a child as "safer". Having sex with a child, it is thought, protects and abuse from a HIV/AIDS, because the child is more likely to be "clean". But the fact is otherwise because of their vulnerability and weaknesses. Children in prostitution who often forced to take more clients than adult might accept and are generally too weak to protest or avoid the situation. Moreover, children are physically more vulnerable to infection because of their socio-economic weakness. The 'virgin' child is sought by many customers as the "safest".

Nowadays another problem is reconstruction surgery which promotes commercial exploitation of sex with children making multiple operations. Thus, the child is more infected with HIV as is found through some studies. Thus, the innocent child is met with death sentence meaning thereby that his/her life may be left without any family or community life, dignity and options. There are, besides, various physical and psychological reactions among the children forcing them into sex.

Children trapped in the cycle of commercial sex are often physically abused, beaten, burnt, tortured and deprived of food, air, light and movement. They are also vulnerable to kidney infections, cervical cancer, early and repeated pregnancies and sexually transmitted diseases. Numerous studies have also shown high levels of abuse by children involved in prostitution. Drugs are often used to keep children taken into prostitution submissively. They may also be a self-medicating means to numb the pain of hunger or despair.

There are national and international laws and constitutional provisions for the safeguard of the children's rights. There are police and law enforcement agencies around the world to combat commercial sexual exploitation of children.

At the national level, many countries enacted laws making children's abuse a crime. In recent years there has been growing awareness of commercial sexual exploitation of children. Children are trafficked across borders. Exploiters travel to set up their network. Clients go to buy services on foreign shores for promotion of their "trade". Several countries have enacted extra-territorial legislation. As a result, the foreigners are arrested for child sex crimes, bribing their way to freedom and escaping to their home country. It is said that making laws is not the same as enforcing them. It is certainly difficult to make laws work well against such odds. It is more difficult when local laws make them scot-free and safeguard the culprits exploiting the children. It is often neglected, for example, in the face of pressures to promote tourism in a country and authorities turn a blind eye.

The modern media and technology although develop consumerism leading to sexual trade, they can remove or reduce the menace to the minimum. The advent of the internet has opened up new channels of information for those seeking access to children for sex. The negative nature of internet technology means that information can be shared really time and again on "special requests" deal with by promoters and suppliers of children for sex. Pornographic images and video clips can be up-loaded and down-loaded anonymously. Besides technology the press and media also play a major role in the domain of commercial, sexual, exploitation of children, both positive and negative.

On the negative side the media contributed to the liberalisation of sexually explicit imagery and to shift any moral values. Satellite technology, international travel and support infrastructures means that such images are often receive in a non-supportive context. Many TV viewers are adolescent and their attitude to adolescence itself is worthless. On the negative side, many reporters investigating commercial, sexual exploitation leading to pornography and further sex exploitation. Journalists have unwittingly corrupted evidence by paying for stories, enabling criminals to escape conviction.

Press and media can play both positive and negative roles in exploitation of children for sex. The press and media can contribute immensely to advocacy, underlining positive moral values and human rights. They can support positive family values and inform parents when their children are at risk. They can hold children themselves to draw moral values on their own behaviour and to identify risk factors of their social situations.

According to the Convention of the Rights of the Child (CRC), child labour may be regarded as a denial of child right. Under this right come rehabilitation, protection of child workers and improvement of their working conditions. Hence regulation of these aspects of child labour is felt essential. Right to Education and access to recreation and to childhood itself are associated with the rights of the child. The concept of childhood is relatively of recent significance

particularly in the context of children's rights. For the first time the French Revolution in 1789 led stress on equality, fraternity, and dignity of the human being from whom the rights of the man have emerged. In the 19th century, the children were not given any special importance rather their ignorance and weakness led to all kinds of torture, operations and misuse of their labour and comfort. It was taken for granted that child labour is due to poverty.

It is found that child labour has been due to the negative attitude of parents and of the society in general. Some argue that "work is experiential learning and good for the child". Children were suffering from various deficiencies and ailments and adequate care was not taken by the poor parents and the society. Hence, declaration of the rights of the child in 1959 is taken as a significant step in the "Best interest of the child". Nowadays ILO, UNESCO and other international agencies take interest in safeguarding the child rights particularly in relation to the exploitation of child labour. The CRC in fact devotes much greater attention to civil rights than to the economic, social and cultural rights.

The implementation of economic, social and cultural rights is made subject to the availability of the resources while civil and political rights have corresponding obligations and progressive implementation of economic, social and cultural rights. A country's richness is judged by the norms like "maximum extent of utilisation of valuable resources" in order to address child labour more effectively. With this background, child labour is now considered in a humanitarian as well as human rights approach.

Child labour is taken as a violation of civil and political rights or a violation of economic, social and cultural rights. However, all these rights are interacted and immediate steps need be taken for taking all these aspects or effectively breaking a point in the vicious circle. Of course, we cannot resolve the problem overnight, but no time can be delayed for taking adequate action in the matter. Under the CRC, there are various requests relating to child labour-discrimination, abuse, encroachment to privacy and

recreation impeachment on the child's education and safety and security of the child.

Child labour is attributed mainly to exploitation, discrimination, powerlessness, caste and gender operation. There are various attitudinal factors which are responsible for taking children to hazardous jobs on dignified services and insecure and indecent life-calls. Even the World Bank is imposing restrictions on the misuse of child labour. It is estimated that the greater productivity of those children who remain in primary schools for reasonable time will enable them to earn over six times the cost of giving them the additional education. Primary education, says the Bank, is the largest single contributor to the economic growth rates of high performance.

Although a number of legislations have been enacted to regulate child labour, it has not yet been possible to bring child labour even to the minimum or to a reasonable standard. It is, therefore, insisted that there should be a Constitutional amendment to transfer the subject of education from a Directive Principle of State Policy to a Fundamental Right so that the government will be bound to provide minimum standard of education to every child.

Various NGOs are now active to control the quantum of child labour and reduce its harmful reactions and repercussions. Government has also set up a few committees to deal with child rights in its various sections of the society. It has also set up the National Human Commission to look into not only the human rights in general but also children's rights in particular. At present, a proposal is given to set up a separate commission for protection and safeguarding children's rights. India has tremendous armoury of legislations, regulations and statutes which call for the protection of the rights of children.

The Directive Principles of State Policy embedded in the Constitution of India seek compulsory primary education for all children. This is one of their basic rights and a goal still far from realisation. India is also a party to save International Conventions regarding protection of children's rights. India also ratified CRC in December 1992 which

states in Article 32 "State parties recognised rights of the child to be protected from economic exploitation and from performing any work, i.e., likely to be hazardous or to, interfere with the child's education or to be harmful to the child's wealth or physical, mental, spiritual, moral or racial development". In ratifying this Convention, India has assumed yet another obligation to bring national laws and practices into conformity with international standards.

The UNICEF has identified the following causative factors relating to inequalities and abuse of child's right in the context of children's labour. These are:

- Bonded to pay up debts to landlords incurred by their parents;
- Working in situations in which their parents are unemployed; and
- Not paid the minimum wages and prone to physical, mental and sexual abuse by employers.

The Human Rights Commission has recently perceived that there is a growing recommendation in the seniormost policy-making circles of the country of the need for ending child labour, supporting with those employed in hazardous industries. This had led to the approval of series of constructive measures by the central government. Even the state governments have followed the suit and have implementing a number of restricting legislations.

In India, the government has taken steps to constitute a National Authority for the Elimination of Child Labour (NAECL) and also a National Child Labour Project (NCLP) which is being undertaken in twelve different areas of the country. The Commission is also most respectful of the fact that the Department of Education has deliberated on this matter carefully and that instead of All India Legislations on Child Labour, it has chosen to adopt a different strategy to achieve the goal of the universalisation of elementary education.

Child Labour Remedies

Education is one of the key solutions in the elimination of child labour. Children with no access to education have little alternative but to enter the labour market, often performing work that is dangerous and exploitative. Education and skills training help to prevent and reduce child labour, as:

- children with basic education and skills have better chance in the labour market; they are aware of their rights and are less likely to accept hazardous work and exploitative working conditions; and
- educational opportunities can wean working children from hazardous and exploitative work and help them find better alternatives.

The ILO and its International Programme on the Elimination of Child Labour (IPEC) has supported action research on many issues related to educational policies and programmes. It has also analysed the impact of action programmes with educational components on child labour, such as those providing non-formal education, (pre-) vocational training and other social support services for (former) working children and promoting their enrolment in formal schools.

There are many examples of effective educational programmes that are successful in preventing and eliminating child labour. The challenge is to mainstream such innovative initiatives into larger formal and/or non-formal education systems. Improvements in education systems are not enough, however. First, children who have

been traumatised by work need rehabilitation. Secondly, the worst child labour abuses take place among the most vulnerable socio-economic groups in society. These groups can seldom afford education, even if it is available, relevant and less costly. Their children are sent to work, because the children's contribution and earnings are essential for family survival.

Measures to improve education need to be part and parcel of integrated programmes for disadvantaged population groups, programmes which aim to empower the poor and abolish social discrimination by providing income-earning opportunities. These can be employment creation and poverty alleviation schemes, small enterprise development, minimum wage systems, credit systems and social safety nets for the most needy. The programmes should address both the need for income for adults and schooling for children at the design and implementation stages, so that they do not inadvertently encourage the employment of children along with or instead of the employment of adults. Finally, given that the supply of child labour is so large, actions to provide alternatives to children need to be combined with intensive awareness-raising in workplaces, among employers, managers and young and adult workers, and in communities. Workplace and community child-watch or monitoring systems need to be set up to ensure that new children do not enter the vacated jobs.

STRATEGIES IN EDUCATION

A whole range of interventions in education is necessary to attract children to school, and to keep them there and out of work. Investment in a country's human resources is crucial, not only for younger generations, but for socio-economic development as a whole. Therefore, renewed national commitment, policy reform and massive investment in basic education are vital to meet the challenge.

A holistic approach to education is required. Children should be provided with access to quality education from early childhood onwards up to at least 15 years of age. In the long term, this will be the most durable solution.

However, given that many countries are still far from providing quality education for all, immediate remedial measures are needed. ILO-IPEC experience shows that even in countries where substantial progress has been made and average school enrolment ratios are high, there are still children from poor population groups who do not benefit from this progress. Transitional education has to be provided to prevent such children from taking up hazardous work or to wean them away from it.

They need to be equipped with basic education, practical knowledge and skills. Such education should consist of an integrated package of basic education, life skills and practical skills training and should ideally aim at mainstreaming the children into formal education and vocational training systems. However, options also have to be provided to the children who are unable to continue formal education and training, so they do not re-enter the labour market as unskilled workers. The younger children may require skills that are useful in improving their quality of life and can be developed further, while the older children generally require vocational counselling and practical training that can lead to income generation either through wage labour or self-employment in a broad array of employable skills.

A measure which can be undertaken relatively quickly and which does not require massive investment is the incorporation into children's and parents' education of explicit messages on the dangers of premature work and the rights of children to education, wherever there is a high risk of child labour.

Child labour issues

Education on children's rights can and should be integrated into the curriculum through social studies, health education, literacy and language learning. In this way children are also in a better position to protect themselves, express themselves, negotiate and assert their rights. Education on rights teaches them about their responsibilities to themselves and to others; it helps them become productive citizens of their own communities while receiving adequate care and protection.

Childhood development programmes

Integrated early childhood development programmes that address the physical, social, emotional and cognitive development of young children have in recent years received more attention and visibility because of their evident impact. Children who participate in various forms of these programmes are healthier, socially well adjusted and better prepared for learning experiences in later childhood. Thus, the programmes help prevent school failure, which contributes to children dropping out and being recruited for full-time hazardous work.

The more successful children are at school, the more persistent parents tend to be about keeping them there. At the same time, most early childhood development programmes involve a parent education component and are good entry points for educating both parents and children about the detrimental effects of full-time and dangerous work of children.

More schools are needed in communities with high concentrations of child labour, especially in rural areas, and these schools need to provide the complete basic education course and the necessary ingredients to meet the basic learning needs.

Both formal and non-formal education systems can be made more responsive to children who are at risk of premature work or who are already working. The structure of educational programmes, the content of the curriculum and the teaching approaches applied in schools should include relevant, useful knowledge and skills, which meet the developmental needs of children and prepare them to earn income later in life and become responsible adults in their communities. Innovative education methods which have been tried out successfully on a small scale in experimental non-formal education programmes should be incorporated and expanded in the formal education system.

Many initiatives have been undertaken in recent years to adapt educational programmes and make them more suited to the needs of former child workers. It has been found that quality non-formal education can act as a bridge

between work and school and facilitate the entry of children into formal schools. However, the initiatives have been small scale to date and are often isolated from the mainstream educational programmes within the country.

Serious efforts still have to be made to further strengthen flexible non-formal remedial education programmes which provide adequate entry points into a country's educational and vocational training system. Non-formal education programmes have been established alongside the formal education system and accreditation and equivalency programmes have been developed to allow for an easier transition between formal and non-formal education.

In most countries, however, stronger linkages need to be created between the formal and non-formal education streams. For some older children, a few years of non-formal education will be the only option. These children need to be provided with an integrated package of general education, along with practical life and work skills so that they can re-enter the labour market at an appropriate age with more knowledge about their rights as workers and skills that will allow them access to better jobs.

Vocational education

Vocational training is often very popular among families which are prone to resort to child labour. Short-term vocational training is often combined with or delivered after functional literacy training and can provide immediate economic alternatives. However, there are issues to resolve in the definition and approaches to vocational education. A distinction must be made between more formal vocational training, which is usually longer term and systematically linked to apprenticeship programmes, and less formal training.

Most formal vocational programmes require close adult supervision and the available slots for students are limited. There are also non-formal vocational training programmes linked to both formal and non-formal education programmes which are often short term and deal with specific skills and topics that are not necessarily marketable or highly productive.

Non-formal education programmes can teach children skills that will provide immediate economic alternatives as well as psycho-social support. But these should not be viewed as a complete substitute for formal education, rather as transition programmes to facilitate the child's re-entry into the formal school system. In situations where there are no local institutions or schools offering such vocational education programmes, it may be necessary to provide scholarships. Practical skills training in the form of "learning by doing", experiments and arts and crafts are an integral part of basic education.

Vocational training should be geared to the provision of marketable skills that can be adapted to the changing needs in the job market. The gender bias in education is even more pronounced in the field of vocational training and specific attention needs to be given to facilitate girls' access. In most countries, better linkages need to be created between education and vocational training, and between non-formal and formal vocational training.

REHABILITATION PROGRAMMES

Many of the most abusive types of child labour are hidden and few organisations have the capacity to identify and handle them. Child victims may also have developed various coping mechanisms and often there will be differences in the needs of boys and girls. Thus, special efforts are required to first identify the groups for priority action and then develop a range of appropriate interventions. It is essential to prevent children from becoming engaged in extreme forms of child labour. This involves intensive awareness-raising, and the provision of viable alternatives. In cases where organisations aim to withdraw children from the worst forms of child labour, the types of intervention need to include identification and rescue of children working under forced labour conditions, legal aid, intensive counselling and other rehabilitation measures for the children and their families.

Victims of human rights violations such as children in bondage and children forced into prostitution, domestic work or sweatshops in their own or other countries are

often damaged and traumatised beyond recovery. It is therefore critical that these types of child labour abuse be prevented through effective law enforcement and large-scale awareness-raising in schools and communities where there is a high incidence or risk. Local community monitoring mechanisms should be activated to identify those at high risk and to monitor the situation of those who have been rescued.

Girls and women bear a major share of the burden of poverty. Giving girls access to quality education is a first essential step towards empowering them and enabling them to break through the vicious cycle of poverty. Successful strategies include intensive awareness-raising in communities where there are social and cultural constraints, provision of schools and childcare facilities near the girls' homes, recruitment of female teachers, promotion of gender fairness and equality at schools and investment in the education and skill training of mothers.

Prevention through family life education for boys and girls at school is still the most cost-effective measure. Special programmes to allow pregnant girls and young mothers to continue their education are also needed as these young women are otherwise forced to start working themselves and involve their children from an early age in meeting basic survival needs.

The lifestyle of street children has to be taken into account when designing education and rehabilitation programmes. In the first instance, peer or adult street workers reach out to street children to establish contact and gain their trust by involving them in street education activities, motivating them to participate in educational programmes and helping them acquire the basic skills that will enable them to learn in a structured environment. They need help to adjust to adult authority after being used to surviving on their own and developing a variety of defence mechanisms against adults who may have exploited them or who may have violated their rights.

Street education programmes which provide an atmosphere of freedom and democratic consultation and

which build up rapport gradually and develop trust, have been more effective than enrolment in formal schools, especially at the initial re-entry stages. Non-formal education programmes are usually needed for a smoother transition between life and work on the streets and formal schooling. Special attention has to be paid to matching the learning methodology and process to the learning styles of street children. Hands-on-learning, experimentation and observation, and learning-by-doing are what they have been doing to survive.

Many street children may not be "school smart" but they are certainly "street smart". They are adept at problem-solving and assessing situations from the perspective of survival. They have worked and will assess the relevance of schooling to their immediate future in the world of work. It must be worthwhile for them to decrease their time on the streets and spend it in the classroom learning skills that help them improve their life. Many street children also need counselling services to cope with traumatic experiences of violence, sexual exploitation or other harassment at home or on the street. Rehabilitation for substance abuse may also be necessary.

Children who belong to ethnic groups need to be educated both in their own and in the national language and they should be taught about their own culture from the point of view of their community and not from an outsider's point of view. It is clear that children learn best in their mother tongue, in particular when they start school. At the same time, they should learn to express themselves in the dominant language of their country to be able to fully function in society.

The need to learn the dominant language—written and oral—has to be balanced with respect for the child's own language and culture. Adults in the community need to be actively involved as resources for the school in this respect. Several successful programmes have highlighted the importance of providing teachers who have the same socio-cultural and economic background as the children and of offering young people employment opportunities in their

own communities. Indigenous communities usually belong to the most disadvantaged groups and seldom have access to basic services such as education, health, housing and employment.

EDUCATION PROGRAMMES

Since they are usually the ones who decide whether children will work full time, stay in school and work, or study full time, it is critical to invest in parent education about child labour. There are various forms of parent education programmes offered by governmental and non-governmental agencies as part of early childhood development, literacy or health programmes.

The provision of information on child labour and on child rights and the organisation of workshops for extension workers from these programmes, can be ways of incorporating child labour concerns in these adult training programmes. Other forms of adult education through workers' organisations or trade unions and cooperatives which provide educational programmes for their members, and through other community-based structures or committees, should also be further utilised. Women's literacy programmes that emphasise child development, family life and children's and women's rights offer great potential for preventing and eliminating child labour and improving school enrolment. There is a tendency to look at women's and children's programmes separately or, at best, an incidental connection is made.

However, women and children's rights are intimately linked. Thus, women's programmes should include components to promote children's rights and address child labour exploitation and—vice versa—programmes geared towards children should pay attention to the situation of mothers as women with their own needs and rights. In addition, more and better jobs and social protection are needed for adults through the provision of income-earning opportunities for the poor, employment creation and poverty alleviation schemes, small enterprise development, minimum wage systems, credit systems and social safety nets for the most needy. Women's economic empowerment is

an especially effective measure to strengthen vulnerable families. Programmes that enable them to learn skills (such as improved agricultural practices, entrepreneurship, specific crafts or food production) that provide them with resources to earn a stable income for the family and manage households by using labour-saving devices, or increase their access to credit schemes.

WORKPLACE AND COMMUNITY MONITORING

Systematic efforts to ensure that workplaces and communities remain child labour free mean first of all that awareness raising activities should not be limited to the children and parents, but extended to all groups involved: employers, managers, and adult workers in workplaces, community leaders, service providers and enforcement agencies. In a second stage, monitoring mechanisms need to be set up to ensure that the children withdrawn from work remain and complete school and that new children do not enter work. This can be done in the schools or educational centres, in the workplaces and in the children's communities. In any workplace monitoring programme, the active participation of the concerned employers, manufacturers, contractors and subcontractors is critical, as the commitment to free all manufacturing and production processes from child labour may call for a change in established and traditional manufacturing and production practices.

The involvement of the concerned workers' representatives and local community groups as well as the concerned governmental agencies, is also critical. The involvement of children in the production and manufacture of goods for export has become a matter for international concern. Faced with outside pressure, some producers and manufacturers have turned to the ILO for advice on action to eliminate child labour from their particular industry. This has resulted in three instances in concrete prevention and monitoring programmes in the garment industry in Bangladesh, the football industry in Pakistan and its international counterparts and the carpet industry, also in Pakistan.

The result has been partnerships that span geographical and cultural boundaries, as well as positive changes in the attitudes and practices of the communities, in that the families have been willing to withdraw their children from work and send them to school.

The basic elements of the ILO-IPEC prevention and monitoring programmes are:

- Ensuring cooperation and collaboration of employers/manufacturers, workers' organisations, district administration and other government departments;
- Assessing child labour involvement in the particular sector or industry;
- Assisting the participating employers/manufacturers in setting up their internal monitoring system;
- Operating an external monitoring team involving ILO project staff;
- Identifying and zoning monitoring area for visits;
- Establishing a monitoring database to collect, analyse and synthesise data, to indicate schedules, of surprise monitoring visits, and to prepare reports on progress; and
- Establishing linkages with the social protection component of the programme.

Social protection programmes provide viable and practical alternatives to the children and their families affected by the prevention and monitoring programme. These programmes support the withdrawal of the children from workplaces and prevent them from working by sensitising and mobilising the communities. They also provide services to rehabilitate the children withdrawn so that they can be integrated into mainstream educational systems and other developmental activities. The basic elements of a social protection programme are:

- Awareness-raising, mobilisation and counselling families through one-to-one contact and group meetings to prevent child labour and to encourage them so that their children participate in the activities of the village education and action clusters set up under the project; communicating with the families on an ongoing basis;

- Group training of adults to form the family clubs/committees for mothers and fathers to encourage them to play an active role in the programme;
- Non-formal education to provide literacy, basic education and practical skills training to the children withdrawn and their younger siblings;
- Recreational activities to foster social and physical development;
- Health services through linkages with local health facilities;
- Mainstreaming of younger children into formal schools;
- Training in income-generation activities (adults): to follow up training in the credit/savings facility and training in various income-generation activities for the adults in the family;
- Provision of a credit/savings facility to the adults in the family; and
- Mainstreaming of children of employable age and adults into the labour market.

The establishment of local child welfare and vigilance committees is an effective tool which is increasingly being utilised in many countries. These committees can monitor, undertake action and even provide limited resources and services where necessary. Programmes which stress a participatory approach and actively involve the children, their, parents, community leaders and teachers are the most successful. Decentralisation of authority to local governments and community structures also has a positive impact and results in effective community participation.

PLANNING ACTION PROGRAMMES

Given the socio-economic situation of some countries and the lack of adequate resources and infrastructure, the complete elimination of child labour will be a lengthy process. But there can be no excuse for ignoring flagrant cases of child abuse that are an outright breach of human rights and an affront to the dignity of children. Clearly the children who fall into this category are those engaged in

activities that pose a serious danger to their health, or physical or moral integrity; those who work in slave-like conditions or are subjected to forced labour and those caught up in illicit networks such as prostitution, drug trafficking and pornography.

Some children are particularly vulnerable to this type of exploitation because of their age and sex, because they live and work on their own, or because they belong to socially excluded groups. Appropriate measures need to be adopted urgently to rescue children from these worst forms of child labour. Prevention is crucial; but children must also be withdrawn from such activities and both they and their families provided with alternatives.

Sometimes, especially if a country is only starting to address child labour problems, there is resistance to begin to combat some of the worst forms, because of political and social sensitivity. The existence of these types of child labour is even denied and very few partners come forward who can effectively address the problems. None the less, at a minimum, the worst forms of child labour need to be tackled immediately.

The most strategically positioned programme partners or initiators, governments have the main responsibility to make action a top priority. They need to take the lead in designing national policies and programmes and in allocating the necessary resources to enable implementation. When the policy framework is in place, care should be taken to translate it into feasible programmes and implementation guidelines and to inform and enable all stakeholders to take the required action. Without such a commitment, countries will have great difficulties in overcoming the problem. However, the task is too enormous to be handled by governments alone. A participatory approach and concerted action by all stakeholders is needed to eliminate child labour. Successful examples of effective cooperation between different sections of local government, NGOs, employers' and workers' organisations, and local communities are emerging. Effective programme delivery has taken place through proper coordination between government structures at the national and local levels.

However, the implementation of multi-sectoral programmes by a range of different service providers is sometimes difficult. It has become clear that institutional mechanisms need to be set up to encourage joint planning and implementation for an effective convergence of services in countries where a start has been made in developing and implementing specific measures to combat child labour through education. Participation should ideally begin at the planning stages. Often, the lack of consultative mechanisms at the various stages of programme implementation or the exclusion of stakeholders from the processes of planning, problem solving and decision making engenders a sense of remoteness and powerlessness of the participating groups in relation to the programme managers and leaders. Active participation—not just token participation—is a critical element to developing a sense of ownership for programmes.

The main issues when starting a direct action programme is related to the partial or total withdrawal of children from work. But national goals must be defined in a clear, achievable and time-bound manner. If either the partial or the total withdrawal from work is defined as an objective and made a precondition for the children's participation, the programme design and content must reflect this.

In other cases, stipends are provided for the children to participate and withdraw from work. For programmes which opt for partial withdrawal, the design either provides for a schedule which allows children to study and work part time or, alternatively, less hazardous income-generating opportunities are made available.

The ground rules are as follows:

- If children are involved in hazardous or exploitative forms of child labour, they need to be withdrawn completely. Child victims of human rights violations cannot be helped by the provision of support services while they continue to be in a slavery-like position. They must be rescued.
- If children are involved in work that harms them because of the working conditions or environment, a

gradual phased approach may be used. The work hazards should be removed and children should gain access to education, but they can in a transitional phase continue to be involved in light work that is not dangerous.

Parents react positively to programmes where children work part time in light work and are involved in non-formal education. Even if this means a decrease in their income, it is more viable because of the continuing income. The parents also feel that the children are getting an education and learning practical skills which improve their employment opportunities for the future. Another approach that can be seen as a step towards the ultimate goal of children's withdrawal from hazardous working conditions involves campaigns for making the workplace safer. Adult workers as well as owners of workplaces can be recruited as volunteers to participate in training workshops so that they can monitor safety.

Nutrition, health and other incentives

Improvements in education are not sufficient to attract and keep children from very poor families at school. Many families of child labourers live on the brink of survival and many millions of children in the world do not go to school because they are malnourished or frequently ill. Many more go to school hungry and are unable to pay attention, concentrate and learn.

A nutritious meal makes a tremendous difference to a child's health and ability to learn. The school is also an important entry point for providing essential health services such as immunisation, detection of disabilities and childhood illnesses. Many organisations provide nutrition and health care to children through the education system and these have proved to be powerful incentives for parents to send their children to school. Besides school-based food and health programmes, organisations have experimented with providing other economic incentives, such as school uniforms, books or transport. Cash payments, such as regular stipends or scholarships, have also been provided. Schiefelbein has reviewed examples of such incentives in

Latin American countries. These include cash payments for students, provision of school materials and allocating additional funds to schools or municipalities which provide services for child labourers or children considered at risk of child labour to enable them to provide more responsive and flexible programmes.

The various income-replacement strategies that have been tried in Latin America offer interesting examples of how effectively to provide for the needs of child labourers. Most require a combination of responsive local schools and the political will of national and/or local governments, which provide the necessary policy support and resources to implement income-replacement measures. An ILO survey on economic incentives for children and families to eliminate or reduce child labour also aimed to identify whether income replacement and substitution activities offered viable options in the battle against child labour.

Many of the incentives used by the NGOs which participated in the survey were directly related to schooling. Payments in kind were the most common form of benefits extended to children or their families. These included provisions for school uniforms or clothing, books, schoolbags and materials, school lunches or other food items, transport, or payment of school fees. Evidently, organisations which provide income-replacement services for child labourers, or for children who are at high risk of child labour, do so because the cost of schooling or the forgone income deters children from entering education. Thus, they raise the question of whether replacing the lost income of children who attend school full time would in fact be adequate to keep them in school. Another important finding was that the provision of cash incentives could lead to abuse and therefore many NGOs preferred to provide in-kind incentives rather than cash payments.

Support services are sometimes provided as incentives to attract parents and children to participate in action programmes. But it has been observed that some programmes offer too many incentives which make them more like welfare programmes. Among the disadvantages

are: (i) high programme costs; (ii) the programme is not sustainable in the long term; (iii) child workers are perceived as privileged, because non-working while equally poor and disadvantaged children do not receive such benefits elsewhere; (iv) the practice may encourage more parents to remove children from school and send them to work in the hope of becoming eligible for similar benefits; and (v) parents of children who may not be part of the target group will insist on their children's participation, thus creating confusion and divisiveness in the community if they react negatively when their children are not admitted.

The major disadvantage is the difficulty of sustaining and replicating the programme since the participation of parents and children will be heavily reliant on the availability of incentives; thus the motivation for participation is mainly external. A careful balance must therefore be struck. One option is to encourage children's participation in running the programme. They can also work with younger children as peer teachers and participate in home visits, especially to other children who have been absent for a while. After they complete, their courses of study, they can also be asked to help with the programme activities and work as resource persons or volunteers with the other children.

In this way they can serve as positive role models and share their own experiences. Parents can be asked to work as volunteers for the programme and the activities can depend upon their individual talents and skills. Whatever time and energy they can contribute should be discussed with them from the outset and also clarified so that they will not view incentives as a hand-out but feel that they have something meaningful to contribute. Parents who actively participate in the action programmes are also more likely to better appreciate the impact or the benefits of these programmes for their children and ultimately their families. It is important to assess whether direct action programmes should focus only on the objective of generating income for the children and their families, or should also serve as income-saving or expense-reduction measures for the family.

If the children can use what they make, or if the family, can eat what is produced through the programme, there may also be value added to encouraging such cost-saving measures towards self-reliance.

The approach of helping children and their families opt for participation in courses that also involve the production of goods that meet the basic day-to-day needs of the children and helping them to manage existing resources, may ultimately be more beneficial for the children. This approach will help them practice problem-solving and planning for very practical life needs and at the same time help them achieve a sense of fulfilment in being able to meet their immediate requirements. One of the more frequent reasons children drop out of programmes for their, education and protection is the difficulty they have in delaying the gratification of their needs.

Another important issue in setting expense-reduction measures alongside income-generation or replacement is the possibility that children and their parents can be helped to learn to be more realistic about earning possibilities and about basic needs versus additional or emerging needs. It is necessary to work closely with them and their parents, and clarify objectives with them at every step of the way.

It is important to determine whether the schools where the children are expected to enrol are actually receptive to the re-entry or the integration of working children. If they consider it as an imposition or a burden rather than as a responsibility, their attitude towards the children will be passive at best and negative at worst.

In relation to the mainstreaming of children into formal schools, some specific issues need to be considered:

- *The age of the children:* If children are older than the other children in the grade level for which they qualify, they usually feel uncomfortable, and often embarrassed, not only because they are older but because in most cases they also have difficulty in coping with the academic requirements. Former working children also find it difficult to adjust to the rigid structure and the regimen of formal schools.

- *Parents' expectations and attitudes.* Parents may react negatively or may be impatient with apparently slow progress through formal school, especially when they are used to their children being economically productive. With the loss of income, any activity that replaces their child's work will be viewed badly if they have not yet fully accepted the fact that it is a better situation for their children, a worthwhile investment even from their family's economic viewpoint, and a responsibility that they should fulfil. Another problem that affects the parents' attitude is the burden of school-related expenses (e.g., uniforms, food to be brought to school, school supplies and materials, books, and travel expenses).
- *Provision for follow-up and support programmes.* The need for follow-up support programmes, especially after the first year of re-entry into the formal schools is evident in the trends of programme experiences. Action programmes in different countries show that many children tend to drop out after the first year, especially when assistance for meeting expenses is discontinued.

In addition, there are some questions to consider in connection with the issue of mainstreaming working children into regular schools. In developing countries where job opportunities are still limited and where a large number of youths with college or university degrees are unemployed, it is not surprising that many disadvantaged parents doubt whether their children can compete in the job market with a primary or secondary education certificate.

Few parents expect their children to be able to proceed to tertiary levels of education. That is why they may appreciate vocational training because they consider it more realistic for work opportunities. The experiences in education and child labour and the strategy for maximising education in the fight against child labour, clearly identify the expansion of early childhood development programmes as critical to meeting the needs of working children or those at high risk of recruitment in the near future.

Research and case studies also show that disadvantaged children, who did not receive adequate health, nutrition and

psychosocial cognitive and language stimulation in the early years of childhood are highly likely to experience developmental and learning problems and will have difficulty catching up. A number of mainstreamed children have to drop out because they cannot compete with other, often younger, peers and do not enjoy doing so. If there are younger siblings in the families of working children, they should be supported by facilitating their access to community-based early childhood development programmes and convincing parents that this is an important step to take for their children.

Mainstreaming of former working children or children who continue to work part time is only viable if there are support services for them. Parents need support and information so that they will be able to support their children. Teachers need help to understand the perspective of former working children and the pressures of adjusting to formal schools. It is critical if a country programme chooses to adopt this as the primary approach to the education and social protection of working children.

Most action programmes include various forms of awareness-raising activities directed at parents, community members, local school authorities, the business sector, and policy makers. These have been included based on the realisation that the understanding by these groups of child labour issues will be their basis for supporting the programme's objectives and activities. Ultimately, the programmes will also be the basis of their continued participation in concerted actions to prevent child labour, protect working children through community action, engage in needed policy reform and support effective law enforcement. When awareness-raising efforts are not considered investments of the programme, there can be problems. For example, teachers in formal schools may not develop a positive attitude towards non-formal education programmes provided by these action programmes if they are not informed in any way, especially in the planning processes.

Two Articles in the Convention on the Rights of the Child address the issue of nutrition. Article 24 says that

"States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health" and shall take appropriate measures "to combat disease and malnutrition" through the provision of adequate nutritious foods, clean drinking water, and health care. Article 27 says that States Parties "shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing". India is making steady progress in limiting malnutrition, but the numbers are still too large and the rate of progress is too slow.

NUTRITION RIGHTS

In 1948 the Universal Declaration of Human Rights said in Article 25(1) that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food...."

The International Covenant on Economic, Social, and Cultural Rights, which came into force in 1976, says in Article 11: "The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing..." and also recognise "the fundamental right of everyone to be free from hunger...."

While the idea of the right to food appears in many different contexts in international law, most are not binding. In some cases, as in the International Covenant on economic, social, and cultural rights, the obligations are technically binding on the states parties. However, because the obligations lack specificity and because there are no effective mechanisms for implementation and accountability, they are not binding in practice.

On reviewing the hunger data, Philip Alston and Katarina Tomasevski observed that "these statistics make hunger by far the most flagrant and widespread of all serious human rights abuses". The idea that people should have a right to adequate nutrition is an old one, one whose vision has not been fulfilled. However, its articulation in the Convention on the rights of the child suggests a new approach: Implementation of the idea of the right of adequate nutrition may be more politically feasible if it focuses on children.

Our principal obligation towards children is to promote their development, to be understood as empowerment or increasing self-reliance. The task is to increase children's capacity to define, analyse, and act on their own problems until they can become independent participants in society.

Who is responsible for children? The question is not whose fault is it that children suffer so much (who caused the problems?) but who should take action to remedy the problems? Many different social agencies may have some role in looking after children, but what should be the interrelationships among them? Most children have two vigorous advocates from the moment they are born and even before they are born. Their parents devote enormous resources to serving their interests. In many cases, however, that bond is broken or is never created. Fathers disappear, many mothers disappear as well. In some cities, hundreds of children are abandoned each month in the hospitals in which they are born. Bands of children live in the streets by their wits. Often children end up alone as a result of warfare or other political crises. Many children are abandoned because they are physically or mentally handicapped. Often parents become so disabled by drugs or alcohol that they cannot care for their children.

Children ought to get their nurturance from their parents. Failing that, they ought to get it from their local communities. Failing that, they ought to get it from the local governments. Failing that, it should come from their national governments. Failing that, they ought to get it from the international community.

Childhood malnutrition is one of those issues for which there should be a recognised obligation of government to provide some sort of services. As a matter of principle, there should be a recognised legal obligation of government to provide services to assure that every child is adequately nourished. The point is that there should be a clear duty of government, enshrined in law, to do what needs to be done if the family's and the community's response is inadequate. If the principle is accepted, there will still be a need for discussion of the exact nature of the services and the conditions under which they must be provided.

Community groups working on the local malnutrition problem should be able to rely on their local and state governments for help, whether for money, contacts, transportation, or moral support and encouragement. It is the responsibility of government to help such community groups. Moreover, the government should be grateful for the opportunity to help the community use its resources to deal with local malnutrition.

There have been efforts to gain recognition of a right to nutrition within individual countries and internationally. Unfortunately, this has often been equated with the general effort to alleviate malnutrition, and advocates of the right to nutrition have simply recommended ways of improving the production and distribution of food. Nutrition rights in international law are vague and soft. If the nutrition rights idea is to be implemented within nations, its meaning will need to be clarified in their national law. It is there, in national law making, that the specific, hard commitments can be made.

It is important to distinguish between the achievement of adequate nutrition and achievement of a right to adequate nutrition. Nutrition rights are based on the quality of protection one has against the occurrence of malnutrition. To assess the quality of the protection one has to look into the institutional arrangements that are in place, ready to act if and when disaster threatens. Past efforts to ameliorate malnutrition have all been valuable, but they have been matters of charity.

The motivating idea underlying the nutrition rights vision is that extreme malnutrition can be reduced by establishing clear rights to adequate nutrition in the law, and assuring the implementation of that law. The nutrition rights approach does not replace existing programmes for alleviating malnutrition, but rather it builds on and uses them. It can make feeding, health and education-based nutrition programmes more efficient and effective by making them more decisively goal-directed to end malnutrition.

According to UNICEF's 1993 report, *The Progress of Nations*, on average, developing countries have been

devoting only about 10 per cent of their annual budgets to human priority issues: nutrition, water supply, primary health care, primary education, and family planning. Thus even poor countries could do more with their existing resources. The main argument of the rights approach, however, is not that nations should spend more but that they should spend better.

A clear distinction should be drawn between the broad notion of children's interests involving many different things such as shelter and a nurturing environment, and the more limited subset of those things that are—or should be—formally recognised as rights in law. Soft rights are not spelt out in the law, or if they are there is no strong and effective mechanism to assure their implementation. The CRC and other international human rights instruments in themselves establish only soft rights. They can be transformed into hard rights which are clearly articulated in the law and are accompanied by effective implementation and accountability mechanisms. Hard rights have a history of case law through which the meaning of the right is tested and refined. There is clear recourse in law for individuals whose rights are not fulfilled and clear public accountability.

Rights are important because without clear rights, those who are more powerful, more highly educated, or better connected have an advantage in obtaining services. Clearly established rights empower the weak, levelling the playing field a bit so that the weak are not so disadvantaged. Rights can be truly hard only where there is a strong and effective legal system in place. In many countries there is no such system. However, where it is absent it is nevertheless worth advocating the hardening of rights as part of the broader effort to pursue a civil society.

Many nations are divided into smaller jurisdictions, perhaps provinces or states; these smaller units might be able to establish their own nutrition rights systems. Provinces could then be assessed in terms of their nutritional status and the most needy provinces entitled to specific services. In some cases provinces, in turn, might

manage their nutrition rights system by focusing on still another administrative layer—districts within the province.

Laws, rules, guidelines and principles can be introduced or adapted to conform to a nutrition rights system at the global, regional, national, state or district levels. Even the rules of access to individual service programmes can be modified to assure that clients are treated as if they had rights to the service.

Just as different levels have different responsibilities, they also can have different rights. For example, some services might be assured to individual children while others are assured for households, villages, or districts. Thus multi-layering means there are distinct nutrition rights and responsibilities, both within units and across units, in a hierarchical structure,

The nutrition rights idea, while based on the use of the law, is not based on punitive sanctions against wrongdoers. There may be some cases in which children go hungry because they have "bad" parents. In such cases, the law should be more concerned with ensuring that children do not have to pay for the sins of their parents than with ensuring that their parents do have to pay for them. In much the same way, it would be foolish for the international community to think about punishing bad governments.

To the extent possible, government's approach to its citizenry should be in positive forms. Similarly, the citizenry's "holding the government to account" should be positive. In a negative approach to accountability, a government agency assigned the duty of preventing abuse or ending malnutrition could be sued or fined in some way.

In a more positive approach, designated non-governmental organisations could be given an award or "bounty" of a small sum of money for each needy child they find and present for services.

It is important to distinguish between monitoring and reporting on nutrition status and monitoring and reporting on nutrition rights. In my view, reporting on the status of nutrition rights should cover five distinct but interrelated components: (a) the nutrition problems; (b) government's

service programmes in response to the nutrition problems; (c) the law relating to nutrition rights; (d) implementation, the extent to which the law is effectively carried out; and (e) accountability, the institutional arrangements for holding government to account in fulfilling nutrition rights.

It is important to know what categories of individuals suffer from what sorts of malnutrition problems. The most important form worldwide, protein-energy malnutrition, can be gauged by measuring the heights and weights of children and comparing them with the heights and weights of well-nourished children.

If nutrition rights exist, there must be government-sponsored services to assure that people are adequately nourished. Services should be preventive, to keep malnutrition from occurring, and remedial, to undo malnutrition after it occurs. Preventive services may include such things as health, education, water supply, or immunisation programmes, or programmes to keep people from being displaced from their land. Remedial services for those who are malnourished or at risk of malnutrition may include feeding programmes, clinics or land reform programmes.

There are several things one would want to know about government-supported service programmes related to nutrition. It would be useful to have information about their targeting and selection of beneficiaries; staff selection, supervision and training; community participation; management information systems; sustainability and replicability; and their impact and cost. In systematic reporting, nutrition service programmes should be listed and then characterised, following a simple outline to specify their main features.

Given the magnitude of the malnutrition problem and the level of resources available, judgements should be made as to whether the eligibility criteria are too high (excluding many who should be served), too low (including many who should not be served), or about right.

Many nutrition programmes concerned with protein-energy malnutrition as indicated by low weight or low height are misdirected in terms of their intended coverage. Growth failure is most active between six and 24 months of

age, which is thus the main "window of opportunity" for prevention. Actions targeted to children beyond, say, three years of age are not likely to be very successful in reversing their growth retardation because their low weight or height is likely to have originated in their first two or three years of life.

ASSESSING THE LAW

Nutrition rights must be enshrined in the law with as much clarity and detail as possible, specifying not only the rights of citizens but also the specific duties of government to fulfil those rights. Of course one must also look further to see if what is written in the law is effectively implemented.

Clear nutrition rights can be developed for different kinds of malnutrition. For example, in countries known to suffer from marked iodine deficiency, laws could be established to require government to assure that salt is iodised and other measures are taken for those who show signs of iodine deficiency. In some cases, where communities are likely to be responsive, the law may require nothing more than systematic growth monitoring to make sure that the community identifies children in need of special attention.

Reporting for the international human rights agreements should include descriptions of the ways in which national law has been or is in the process of being modified to take account of the commitments made by the nation upon becoming party to the international agreement.

Often laws that are on the books are simply ignored. Promises may be made but not implemented. Thus it is important to study the extent and effectiveness with which the law is carried out. This means going back to the government's service programmes and reviewing them not in terms of their own state goals but in terms of the goals set out in the law.

In a complete system of rights, means must be established for holding government to account if its duties are not fulfilled. It is important to strengthen the law regarding nutrition rights in the books, and also to

strengthen the use of that law by assuring that it is fully implemented. Hard rights require effective mechanisms of accountability.

In addition to asking whether there are government agencies which regularly assess the performance of the nutrition service programmes, we should also inquire whether there is clear legal recourse for individuals who do not get the services to which they are entitled.

GOALS AS RIGHTS

People of different nations suffer from different types, intensities and distributions of malnutrition, with differing causes. Moreover, they have different resource bases and they all have many other concerns. Thus they will set their goals for dealing with malnutrition differently. However, there is now a broad global consensus on how these goals should be framed. At the World Summit for Children held at the United Nations in New York in September 1990, most heads of state signed the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children. Among the major goals specified in the plan was the following: "Between 1990 and the year 2000, reduction of severe and moderate malnutrition among under-five children by half."

Supporting goals specifically related to nutrition were:

- i) Reduction in severe, as well as moderate malnutrition among under-five children by half of 1990 levels;
- ii) Reduction of the rate of low birth weight (2.5 kg or less) to less than 10 per cent;
- iii) Reduction of iron deficiency anaemia in women by one third of the 1990 levels;
- iv) Virtual elimination of iodine deficiency disorders;
- v) Virtual elimination of Vitamin A deficiency and its consequences, including blindness;
- vi) Empowerment of all women to breastfeed their children exclusively for four to six months and to continue breastfeeding, with complementary food, well into the second year;

- vii) Growth promotion and its regular monitoring to be institutionalised in all countries by the end of the 1990s;
- viii) Dissemination of knowledge and supporting services to increase food production to ensure household food security.

These eight "supporting goals" have merit in themselves and also can be viewed as important means towards achievement of the major goal. These goals have been endorsed repeatedly, both before and after the World Summit for Children, by many international bodies including the World Health Organisation Assembly in 1990, the UNICEF Board Session of 1990, the United Nations Conference on Environment and Development in 1992, and the International Conference on Nutrition in 1992.

Many nations do not have adequate baseline data for 1990, and in any case have little hope of achieving the goal of reducing severe and moderate malnutrition to half the 1990 level by the year 2000. Nevertheless, the basic form of the language can be retained, with a fresh start and a new commitment.

Consider now a transformation in thinking. Imagine that the nation's commitment to the goal of the reduction of severe and moderate malnutrition among under-five children by half over the next 10 years is so serious that it is willing to assure its citizens that they have a right to its achievement. Imagine that the government is willing to take on the achievement of this goal as a real duty, one on which it could be called to account for its performance.

Of course it may be that the goal is too demanding, and the government is not willing to make such a firm commitment. For the purposes of this discussion, other formulations could be substituted. For example, the government might be willing to make such a strong commitment only if it was limited to children under two years of age, or only if was limited to severe malnutrition. The specifics are open to discussion. The point here is that, whatever the details of its formulation, one way to interpret nutrition rights is in terms of a firm commitment to a specific nutrition goal.

This perspective meshes nicely with the argument that poor countries are not to be excused from assuring nutritional and other economic, social, and cultural rights on the grounds that they can not afford it. Instead, there is a positive requirement for progressive realisation of the goals based on clear plans and the commitment of resources commensurate with the nation's capacity. Accountability is based on monitoring to see if good progress is being made towards achievement of the goal. If the programme is not "on track" there should be some legal mechanism for calling the government to account and pressing it to take the action that is required.

NUTRITION RIGHTS IN INDIA

Mr A.T. Dudani of the Society for Citizen Concerns has been exploring the prospects for strengthening children's nutrition rights in India. Through his efforts, a question regarding the current status of children's nutrition rights was raised by Mr V.K. Hariprasad in parliament in December 1993. The question was:

"Will the Minister of Human Resource Development be pleased to state: (a) whether Government is enforcing and promoting various programmes for the Convention on the Rights of the Child and if so, the steps taken in this direction and results obtained and achieved; and (b) whether the nutrition of children is receiving full attention and if so, the details of any action plan made state-wise?"

The answer, prepared by the Department of Women and Child Development and provided on December 7, 1993, in the Lok Sabha and December 10, 1993 in the Rajya Sabha, was as follows:

"The Government of India has ratified the UN Convention on the Rights of the Child. Appropriate legislative and administrative measures are being taken for implementing the Convention by the concerned Ministries/Departments.

"A National Plan of Action for Children has been adopted under which goals have been fixed for the decade 1990-2000. The Plan seeks to cover the programmes in the

areas of child and maternal health, nutrition, water and sanitation, education, children in difficult circumstances and adolescent girls. All sectors have reviewed their programmes for strengthening, keeping in view the goals set in the National Plan of Action for Children.

"A number of child care programmes for improving the nutritional status of children are being implemented. The Integrated Child Development Service (ICDS) programme is a major intervention for providing a package of services including supplementary nutrition to 16.3 million children under six years of age. Nutrition supplementation is also being provided to children under the scheme of creches (3,00,000 children) and Balwadi Nutrition (2,29,000 children). A new initiative to improve nutritional status of adolescent girls has been started, on a selected basis, in 507 ICDS projects. Again, through nutrition education programmes the mothers are also being educated and empowered to look after the nutritional needs of their children better.

"The Department has identified 180 focal districts in the country based on the criteria of poverty, concentration of Scheduled Castes and Scheduled Tribes and high crude birth rate. While expanding Child Care Programmes, preference is given to these focal districts."

The reply offered in parliament discussed the situation with regard to nutrition-related programmes, but more is needed to fully address the question of nutrition rights. It is also important to know something about the nutrition problems, the relevant law, the extent to which the law is implemented, and the mechanisms of accountability for ensuring that the law is implemented.

The government's statement confirms that the level of effort has been high, but it does not address the question of effectiveness. As in other countries, targeting is always difficult. It is expensive, and it can be politically unpopular. According to an overview of India's nutrition programmes prepared for the World Bank, "direct nutrition expenditures per child were pitifully low precisely in the very states that account for a larger share of the nation's severely

malnourished children." The productivity of expenditures intended to alleviate malnutrition should be systematically assessed so that individual programmes can be adapted for greater effectiveness and reallocations can be made towards more productive programmes.

India has tried many different kinds of approaches to alleviate malnutrition, some successful, some not. One major lesson is that where programmes are not held to account and required to show their effectiveness, they lose sight of the original intended target. The argument here, however, is not that an entirely new programme of action should be launched, but that the programmes in place that are supposed to help alleviate malnutrition should have their effectiveness assessed more systematically and should be held accountable for their performance.

At the outset, existing programmes should be examined to determine where the rules of access could be adapted to conform more closely to a system of rights. To illustrate, one promising possibility is in Tamil Nadu, where the Tamil Nadu Integrated Nutrition Programme (TINP) was introduced in October 1980. It focuses on feeding children at nutritional risk as demonstrated by growth faltering based on weight-for-age. In July 1982, the government introduced the noon meal programme, covering all children between two and five years of age regardless of their nutritional status. In September 1984, coverage was expanded to include all poor children going to school, up to the age of 15. The new service protocol, based on careful targeting of services, has proven effective:

"Children ages six to 36 months were weighed each month Supplementary feeding was provided immediately to those who were severely malnourished, and feeding for children with faltering growth was provided after one month (for children ages six-12 months) or three months (for children ages 12 to 35 months). The children selected were fed for at least 90 days. If they failed to gain at least 500 grams in weight, they were referred to health care, and feeding was continued for up to 180 days. Intensive nutrition education was directed at mothers of at-risk

children. Food supplementation was also offered to women whose children were being fed, to those who had numerous children, and to those who were nursing while pregnant.

"The project cut severe malnutrition in half and prevented many at-risk children from becoming malnourished".

Participants were fed only when required, with the result that food was only 13 per cent of the project's total cost.

In the view of Dr. Anuradha Khati Rajivan, Collector in the Pudukkottai District:

In the state of Tamil Nadu, it is now possible to think of the feeding programmes for children as entitlement programmes. Here the term entitlement is being used in the sense of a right, something accepted by the society and political leadership and which is unlikely to be questioned for reasons of resource constraints ... Budgetary pressures have not led to cutbacks for the feeding programme... The noon meal programme now has a first call on the state budget along with food subsidies of the public distribution system and electricity subsidies.

It is still not a hard right because there are no explicit laws assuring children of this entitlement and providing some recourse in case the right is not fulfilled. However, it might not be difficult to make those adaptations. The number of beneficiaries has been increasing steadily, straining the budget. If it becomes necessary to limit the categories of those eligible, it may at the same time be feasible to provide legal assurances for those who are designated as eligible.

A sustained campaign could be launched to strengthen children's nutrition rights in India. Participants in the initial planning meeting should include officials from the relevant ministries and government agencies, representatives from non-governmental organisations concerned with law, human rights, children, and nutrition, and representatives of key governmental and non-governmental international organisations. All will have roles to play in the effort. The purpose of the campaign would be to put an end

to extreme malnutrition among India's children through the establishment and effective implementation of clear laws regarding children's nutrition rights.

The planning process could have three major components: a review of the existing situation with regard to children's nutrition rights, goal-setting, and the formulation of a strategy for meeting the goal. Goal-setting should be informed by the nutrition goals set out in India's National Plan of Action for Children and other relevant national and international documents. Alternative formulations should also be considered.

The implications of adopting a particular nutrition goal as a right should then be worked out in terms of the strategy, the programme of action that would lead to its achievement. The legislature should not be presented only with a vague goal, but should be asked to make a firm commitment to the complete package.

A radical approach to strategy formulation could be based on semi-privatisation of the effort. If the government decides it really wants to end extreme malnutrition among children it could have that effort managed by a semi-private organisation under contract. The operators of this "Nutrition Rights Corporation" would have a performance-based contract such that they would be fully compensated only if they were successful. The government could specify the goals and set out detailed ground rules, and then put out a formal request for proposals for providing the service, in effect putting the task out to bid. This method could be tested and refined in two or three states with strong support from the central government. In time, a full multi-layered system could be established, with separate management corporations for each state, all functioning under the guidance of a central headquarters office. While the goal-setting and operational guidelines would be established centrally, much of the planning and execution could be decentralised and highly participatory. The bidders would have room for creativity regarding these issues.

Even if it is politically infeasible, thinking in this way suggests the sort of business-like thinking that is needed.

Close attention must be given to the bottom line of achieving reductions in malnutrition, just as any business venture must give close attention to the bottom line of profitability. Clear and strong incentives need to be established to assure that the goal is pursued efficiently and effectively.

India has excellent nutrition programmes "on the ground" and devotes substantial resources to the alleviation of malnutrition. However, the purposes of these programmes vary a great deal. As any military commander knows, assets on the ground become more effective if they are coordinated and goal-directed, all pointing in the same direction. India's resources for alleviating malnutrition could be used more efficiently and effectively if they were organised in a goal-directed programme based on clear nutrition rights.

Civil Rights and Freedoms

The Indian Constitution presents an impressive list of civil and political rights for children.

- a) While the right of equality before the law and the equal protection of the laws is available to any person including children, Article 15(3) empowers the state to have special laws for children, only intended to enable them to enjoy the fruits of the equality guarantee. Examples of such laws include the Child Labour Prohibition laws and the Juvenile Justice Act. Class legislation is thus not only constitutionally permissible but also constitutionally mandated.
- b) Taking note of the then prevailing exploitative practice of trafficking in human beings, particularly children, Article 23 of the Constitution has put a total ban on forced labour and made such practices punishable under law.
- c) The Constitution in Article 24 has prohibited the employment of children below the age of 14 years in any factory, mine or in any other hazardous activity.
- d) Besides, all the seven sets of fundamental rights in the Constitution are available to children with as much authority and accessibility as that with adult citizens.

There is a large body of case law which has not only developed the application of these rights to children but has also expanded their scope in order to make them meaningful. This was accomplished by the judiciary through harmonious construction of Part-III (Fundamental Rights)

and Part IV (Directive Principles of State Policy) of the Constitution side by side with India's Treaty Obligations and obligations under the UN Convention on the Rights of the Child. Thereby the Indian judiciary has made a singular contribution for the universal development of human rights generally and of child rights in particular.

It may be concluded that in the matter of civil rights and freedom, the laws of the country stand very much in line with the global human rights movement and the UN Convention on the Rights of the Child (1989). India's ratification of the Convention in 1992 has generated renewed concern regarding the policies and priorities, obligations and commitments *vis-a-vis* children. In translating this concern into concrete actions, availability of trained personnel and greater accountability to legal obligations are being attempted. The courts have begun to take child rights and principles governing them seriously and have gone to the farthest limits to give every child, particularly the neglected and the delinquent, an opportunity to enjoy the minimum guarantees of law.

India is a union of states and under the scheme of governance envisaged by the Indian Constitution, all legislative powers are organised under three lists given in the Seventh Schedule. List I (Union List) contain matters in which the union parliament has exclusive power to make laws. Similarly, in respect of items in List II (State list), the state assemblies have exclusive power to make laws. List III, titled Concurrent List, contain matters in which both parliament and state assemblies have power to legislate. On matters not enumerated in List II or III, parliament has residuary powers of legislation (Articles 246 and 248).

× While public order, police, prisons, reformatories, borstal institution, relief and the disabled, etc., are subjects of List II, a number of related matters like criminal law and procedure, family law, civil procedure, vagrancy, economic and social planning, social security, welfare of labour, education, etc., are items in List III. Many of these items relate to the rights of children. As such the status of

legislative protection available to children and the extent of enforcement of available laws affecting their entitlements are dependent upon state governments.

There have been some positive developments in the period following the ratification of the UN Convention on the rights of the child. Following an international conference on the subject in March, 1994, an "Alliance for the Child" has been formed at the national level with the Chief Justice of India as its chairperson. This body has inspired an active interest in the problems of children viewed in the perspective of the child rights. Senior judicial officers, lawyers and police personnel have attempted to address the problems of children, particularly in the context of the implementation of the Juvenile Justice Act.

The National Human Rights Commission set up in 1993 has been taking an active interest in the implementation of children's right in the country. The Commission has been examining issues like child labour and related issues such as compulsory primary education, child marriages, child prostitution, female foeticide and infanticide in depth and is supportive of efforts by the non-governmental organisations and activists for furthering children's rights.

NAME AND NATIONALITY (ART. 7)

Prior to independence, nationality in India was governed by the British nationality and the Status of Aliens Act 1914. The concept of Indian citizenship came into being only with the advent of independence. The Indian Citizenship Act 1955 provides for acquisition, termination and renunciation of Indian citizenship and other matters. A child born in India or abroad acquires Indian citizenship if either of his parents is an Indian citizen. A minor child ceases to be a citizen of India where his parents have renounced the Indian citizenship. But any such child may, within one year or his attaining 18 years of age, resume Indian citizenship by making a declaration to that effect.

Birth registration

Article 7 of the CRC makes it the parents' responsibility to register the birth of the child. In India, there is a regular

system of registration of birth, deaths and names. The Office of the Registrar General of India, under the Ministry of Home Affairs handles the subject of registering the birth and name of newborns as governed by the provisions of the registration of births and deaths act, 1969 (RBD). Rules have been framed under this Act by various state governments between 1970 and 1982. Under the Act, registration of all births occurring in the country has been made compulsory and free of charge, if reported within the prescribed time-limit. At present, the period prescribed for the registration of birth varies from 14 to 21 days in various parts of the country. Section 13 of the Act also has provision for delayed registration for events which could not be registered within the normal reporting period. Under Section 12 of this Act, the first copy of the extracts of registration, which is also known as birth certificate is given free of charge. The necessary reporting form prescribed for the birth registration of a newborn contains an item on the name of the child. Concerted efforts are being made to create awareness for improving timely registration of newborns and thus ensuring that the correct age of the child, an essential prerequisite for children's rights, is known at all times.

In practice, it has been found that many parents do not register childbirth due to low levels of awareness, home-based deliveries and illiteracy. *The Report on the Vital Statistics in India* (1987) shows that coverage of births by the registration system is 100 per cent only in six states and three of the union territories. In order to increase the rate of birth registration, an element of compulsion for obtaining birth certificates has been introduced in certain urban areas. This includes compulsory production of birth certificate at the first school admission and for obtaining ration cards. This has improved the rate of registration of births. Media has been effectively used for promoting awareness of benefits arising out of universal birth registration.

The freedom of expression is a fundamental right which is available to all persons in India including children. The fact that this freedom, especially in case of children, may be

circumscribed by the cultural ethos of any society needs to be acknowledged. The child's right to information is sometimes determined by parents or teachers which may sometimes be seen as limiting their rights. However such exercise is taken predominantly in the best interest of the child and should not be seen to prevent free access to Information or freedom of expression. The child's view is taken into account in a number of cases involving custody, fixing criminal liability, and giving evidence in court.

Every person in India is entitled to freedom of conscience and the right freely to profess, practise and propagate religion subject only to public order, morality, health and such other provisions as laid down in the Constitution itself. The Supreme Court of India has upheld the religious belief of a child belonging to Jehovah's Witnesses not to sing the national anthem in the morning assembly of the school. Similarly freedom of association and peaceful assembly is guaranteed under the Indian Constitution.

Bodily integrity and privacy are basic rights provided for in Articles 16 and 37 of the Convention. While personal liberty (right to life) is guaranteed by Article 21 of the Indian Constitution, freedom from self-incrimination, double jeopardy, unlawful arrest and detention are provided for by Articles 20 and 22. Traffic in human beings is prohibited under Article 23 and all forms of forced labour are outlawed. The court has developed Public Interest Litigation (PIL) as a strategy to provide wide access to aggrieved persons even through total strangers. Judicial remedies have come to be democratised through introduction of interim relief appropriate to the occasion. Thus medical justice, rehabilitative justice, compensatory justice, etc., have become part of human rights jurisprudence in India giving meaning and content to the right to life and liberty. One of the important set of beneficiaries of this judicial activism on the right to bodily integrity have been children.

— Children in bondage have been released and rehabilitated under court orders made at the instance of NGOs and journalists.

- Conditions of custodial institutions where delinquent and destitute children were kept have been improved to the advantage of inmates in a series of cases taken to the court.
- Humane approaches towards children in conflict with the law were adopted under strict directions of the court.

While such refinements in the rights of the child were taking place mainly through the judicial process, there have been reports of increasing victimisation of children through rape and related sexual offences and through forced prostitution. One explanation of this increase in reporting of such crimes could be greater awareness and openness due to effective advocacy for children's rights. Even then, all efforts are being taken to arrest this through effective and sensitised enforcement machinery, speedier trials and justice. A Central Advisory Committee on Child Prostitution has been set up to make suggestions for eradicating child prostitution. It has submitted its report. Suitable machinery shall soon be set up for implementing the recommendations. As a first step a Child Prostitution desk has been recently created in the Department of Women and Child Development to initiate the process.

An issue of great importance in this regard is the relevance of consent of the child or young adult in medical treatment. Usually, information on the child is gathered from the parent and decision on treatment is made with consent of the parents or guardians. However, there are situations in which conflict of interests may arise and the parents consent may not be in the best interest of the child.

The right to privacy implies that there should be in-camera trials for all cases involving juveniles. The present system provides this protection and reportage of cases involving juveniles or rape victims do not mention the name or address of the victim. However, this protection has not been extended to include law journals or publication of photographs of the victim.

The child's right to privacy implies that the child should be able to aspire for a decent living environment to meet his or her optimum needs. This right is especially important for

girl children, adolescent girls and children living in urban slums who often have to share a one-room hutment with siblings and parents. Government's effective steps towards providing shelter for the homeless can go a long way in meeting this provision of the Convention. Although housing is a state subject, the union government formulates housing policies with regard to programmes and approaches for effective implementation of the social housing schemes particularly those pertaining to the weaker sections of society, to accomplish the goal of *shelter for all*. The Prime Minister's 20 Point Programme lays special emphasis on the housing needs of the disadvantaged sections of society. Currently, four social housing schemes, viz., scheme for the Economically Weaker Sections of the Society; Low Income Group, Middle Income Group, and Rental Housing Scheme, Rural House-site-cum-House Construction Scheme; and Indira Awaas Yojana are being implemented through the state governments and union territory administrations.

Any generalisation on the status of children's rights in the whole of India is risky, unfair and contrary to realities on the ground despite instances of relative neglect of children's welfare and uneven enforcement of laws in some parts of the country. Moreover, the performance of the higher judiciary has been particularly noteworthy in the context of enforcing legislation beneficial to children. It is through the High Courts and the Supreme Court that judicial remedies and procedural standards have been evolved and accountability established on issues of human rights. The Public Interest Litigation (PIL) which is a unique feature of the Indian judicial system has been successfully used in guarding the rights of children.

Priorities given for follow up action under civil rights and freedoms are:

- Review and revision of laws, particularly those relating to children to enable and facilitate affirmative actions by the state and address existing lacunae.
- Strengthening enforcement machinery to ensure translation of rights into reality.
- Making the existing Constitutional right to education a functional reality for all children.

- Comprehensive review of Juvenile Justice Act to make it more effective and child friendly.
- Sensitisation of the judiciary and the law enforcement machinery to the special needs of children.
- Promoting affirmative action by the state, communities and all concerned sections of society.

Awareness among Child Labour

Child labour surveys based on recently developed methodologies have been carried out nationally or in selected areas of 19 countries or territories. These include Bangladesh, Cambodia, Costa Rica, Georgia, Ghana, Indonesia, India, Kenya, Namibia, Nepal, Pakistan, the Philippines, Senegal, South Africa, Sri Lanka, Thailand, Turkey, Ukraine and the West Bank and Gaza. New child labour surveys are either under way or in the process of starting or are/being planned in the following countries: Angola, Belize, Benin, Brazil, Burkina Faso, Cambodia, Colombia, Costa Rica, Mali, Mongolia, Peru, Uganda, Vietnam and Zimbabwe.

Child labour surveys will be carried out as far as possible in all IPEC participating countries to optimise the complementary effects of IPEC and the Statistical Information and Monitoring Programme on Child Labour (SIMPOC). Given the effectiveness and popularity of the newly developed survey methodologies for quantifying child labour in all its different facets, an externally funded programme (SIMPOC) was formulated and launched at the beginning of 1998. SIMPOC, an interdepartmental programme between the ILO's International Programme on the Elimination of Child Labour (IPEC) and the ILO's Bureau of Statistics, is designed for a five-year period with the major aim of assisting individual countries in generating comprehensive quantitative and qualitative statistical data on child labour at the national level that is comparable among countries, sub-regions or regions.

SIMPOC is also aimed at capacity building of national statistical offices and ministries of labour for the production and use of such data on a regular basis in the future. For this purpose, under the SIMPOC programme, the staff of IPEC and SIMPOC are to be trained to design and carry out child labour surveys and analyse the data collected. The surveys are expected to become an integral part of the regular national statistical programmes; so that statistical information on child labour can be produced and disseminated at regular intervals.

A large majority of the countries listed above have undertaken the surveys under the auspices of SIMPOC. Through SIMPOC, comprehensive child labour information systems consisting of both quantitative and qualitative data will also be developed at national, international and regional levels with a computer programme that facilitates updating the database as new information becomes available. Such a database provide policy and decision makers with more detailed and better-quality information for the design, implementation, monitoring and evaluation of policies and programmes.

The dissemination of this data, through the publication of a regular trend report, is planned under SIMPOC—which will contribute considerably to raising public awareness and enhancing the understanding of the problem of child labour.

Since 1992, the ILO has taken the lead in developing methodological child labour sample surveys at national levels. The survey methodologies were developed to enable countries to obtain benchmark statistics on children's work in general or to produce statistics on specific core variables. These methods were first tested in four countries (Ghana, India, Indonesia and Senegal). Following their refinement and recommendations for quantifying child labour, several countries collaborated with the Bureau of Statistics in adopting the methodologies and conducting national surveys for collecting comprehensive data.

Based on detailed results of the experiments and national child labour surveys conducted in several countries using the newly developed methodologies, the ILO was able to:

- Produce regional and global estimates;
- Identify and quantify not only the different forms of hazard and risk working children face, but also the extent and nature of the injuries and diseases suffered while working; and
- Acquire much knowledge and experience, thereby enhancing considerably its competence for providing technical assistance to individual countries in designing and undertaking comprehensive child labour surveys and processing, analysing and using the statistical data obtained for formulating and implementing appropriate action programmes to combat the worst forms of child labour at the national and global levels.

To obtain a complete picture of the child labour situation, the information sought through surveys at the national level involved answers to the following questions, among others:

- Who are the working children and how many are there in the various countries?
- How old are the children when they start to work for the first time and how do they live?
- Why do they work and in which sectors are they engaged?
- What are their specific occupations and the conditions of their work?
- What types of exploitation and abuse do they face at work?
- How safe are they physically and mentally at their workplace or in their occupations?
- Do they also go to school? If so, what are the consequences of their work on their schooling? And if they do not go to school, why not?
- Who are their employers? Why do they employ them? And how do they treat them in comparison with their adult workers?
- How many children are engaged on a full-time basis in housekeeping activities of a domestic nature in their

own parents' or guardians' households, thereby sacrificing their education?

- Do any children live away from their parents' or guardians' home, and if so, where do they live and what do they do?
- What are the perceptions of parents about their working children? What are the perceptions of the children themselves and their employers?

The ILO Bureau of Statistics designed four survey approaches and tested them in a number of countries together with a supplementary inquiry. Three of the survey approaches were implemented, respectively, at the level of households, employers/establishments/enterprises, and street children. The fourth method tested was a "time use" approach. The supplementary inquiry was applied at the community level (cities, towns, villages). The main purpose was to determine which survey methodology would yield the best results. The surveys measured as many variables as possible, particularly in relation to the various non-schooling activities of children in the 5-14 age group, their characteristics and those of their parents or guardians, and so on. The principal variables considered for the investigation related to the following subjects as expressed in broad terms:

- The demographic and socio-economic characteristics of the children, including their schooling and training status, occupations, skill levels, hours of work, earnings and other working and living conditions and the reasons for working, as well as the hardships and risks, especially work-related or environmental injuries and diseases they face at their workplace which are detrimental to their health, education, and physical and mental development;
- The socio-economic situation of their parents or guardians, or other relatives with whom the children live, as well as the particulars of their employers;
- The migration status of the children and how they live (in particular those on the streets); where the children have been working, for how long and why they are

- working, their own immediate and future plans and those of employers using child workers; and
- The perceptions of the parents or guardians about their working youngsters and those of the children themselves and their employers.

The concepts, definitions, classifications and the like, used for the purposes of the experimental surveys in all the countries, were generally in line with internationally recommended standards concerning such elements as the economically active population, the labour force, classifications of industry, occupation, status in employment, age grouping, households, enterprises and establishments and so on, with some variations to reflect the unique circumstance of child work and the peculiarities of the individual countries.

Depending on the availability of basic information or demarcations regarding the general characteristics of the areas covered and the availability of appropriate sampling frames, the different elements considered for the stratifications included development levels of the selected, rural and urban areas—for example, poorly developed/well developed, slum/non-slum blocks, income classes (low, middle, high), overall rates of literacy/illiteracy of the general population, school attendance levels and so on. For the purposes of the experiments, a “child” was defined as a person between five and 14 years of age.

In the absence of a universally endorsed definition of “child labour”, all activities of children were enumerated and quantified so that the data could be tabulated according to the different characteristics or categories of the variables included in the questionnaires. Depending on the level and nature of the quantified activities or variables, those which were judged or expected to have negative effects or consequences on the health, education and normal development of the working child were considered as falling within the boundaries of “child labour”. The main focus of the surveys in all four countries was on the economic activity of the children, whether paid in cash or in kind, or in unpaid family work, thus respecting the international definition of “economic activity”.

Some types of work or production for own household consumption, such as carrying water, fetching firewood, pounding and husking food products, were also considered as falling within the boundaries of economic activity. While the dividing line between economic and non-economic activities for cases such as the above is rather thin and not always obvious, these and many others (for example, preservation of fruit by drying or bottling weaving cloth, and dressmaking and tailoring), were considered to fall within the margin of economic activity or the "production boundary" as defined by the System of National Accounts. While schooling activities were measured in the majority of cases, in some instances non-schooling activities of a non-economic nature (especially household chores or housekeeping services provided in the child's own parents' or guardians' homes) were also estimated separately.

Both the "current" and the "usual" economic activity approaches were applied, the first in reference to activities during a short period such as the week (or seven days) prior to the date of the interview, and the second in reference to a long period such as the 12 months (or 365 days) preceding the inquiry date. The latter reference period takes seasonality into account, which is an important factor since a considerable proportion of children's activities is seasonal, including activities undertaken when schools are closed.

In all the selected areas the household-based surveys were carried out strictly on a relatively rigorous sample basis using a multi-stage (two-or three-stage) stratified sampling design. Using the household listing as a sampling frame as well as the basic information that was collected during the listing, all the listed households in each unit of the segment were then grouped into three strata as follows:

- Households with at least one paid child worker (in the specific age group);
- Households without a paid child worker but with at least one child working as an unpaid family worker (in the same specific age group); and
- Other households (in the same age group).

A specified number of households in each of the above three strata were selected by means of systematic sampling which

formed the final stage sampling units. Through these sampling procedures or slight variations, between 4,000 and 5,000 households were selected to represent the sample size for the surveys in each of the four countries. Where suitable statistical software packages were not available in the statistical offices of the countries concerned, a self-weighting systematic sampling design with probability proportional to size (PPS) was adopted. This approach helped by providing a uniform weight for estimating totals. It also facilitated the computation of percentages, means and ratios of the population parameters directly from the sample data.

The questionnaire that was applied at the household level consisted of two parts. The first part was addressed to the head of the household to obtain information on the demographic and socio-economic composition of the household, including such aspects as housing facilities, household migration status and living standards and the education level and economic activity status of the household members.

The second part was used to collect the required information from the individual children themselves. As a supplement, a simple questionnaire was used to interview elected and appointed leaders, administrators and the like, in the communities or towns and villages of the selected areas so as to identify the major local socio-economic characteristics, assess development levels and determine the differential in the incidence of child labour. During the household listing stage, basic information on a limited number of variables relating to each household and its members was also obtained to facilitate the stratification of the households in each segment and the sample selection of households.

The employer's questionnaire was addressed to the owner of the business or a designated respondent, seeking information on the particulars of the ownership, the goods produced and services rendered, the number of children and adults engaged, their working conditions, the reasons for using child workers, facilities and health care at the workplace and so on.

Probability sampling became prohibitive due to the absence of basic information which could serve as a master frame, such as an exhaustive list or directory of employers in respect of the areas selected for the surveys. In view of this problem, only those employers identified by the children themselves or their parents during the interview at the household level, or those enterprises known or suspected to be using child workers, were located and interviewed on a random basis. In this way, up to a total of 200 entities were identified and enumerated in urban and rural area selected in each country.

Special problems of collecting data on children working and living on the streets, an individual questionnaire was formulated and used to assemble information on variables relating to the schooling and non-schooling activities of such children, their living and working conditions, parents, migration status and so on. Therefore, for the children on the streets, a "purposive" or "convenience" approach was applied and as far as possible, enumerators who were selected and trained for the interviews were those who knew the core areas where such children were found. The children were visited in their localities in the evenings and in some cases at night if that proved to be more convenient.

BASIC RESULTS

Variations exist in the results of the surveys conducted in the four countries owing to their differences in terms of social, cultural, political and economic development levels, average family size, household income and expenditure, literacy or illiteracy levels of the adult population and especially the school enrolment and attendance ratios of young children. The findings are also influenced by the differences in the reference period of the surveys, for example, whether it covers a schooling period, agricultural season and so on. For the same reasons, the findings also vary between any two areas covered by the survey within each country.

The statistical results from the surveys have proved the existence of a positive correlation—in some instances a strong one—between child labour and such factors as

poverty, illiteracy, the level of rural community under-development, urban slum conditions, school truancy or dropouts, abandoned or runaway children, large family size, female-headed households, the parents'—especially the father's—occupations, and permanent absence or death of the father, among others. The household-based survey has been found to be the most effective means of investigating the child labour phenomenon in all its facets. As a result the data obtained through household surveys did not include information on such children who might have been working on the streets, although the number of such youngsters would be relatively very small in most countries. The best time to visit the sample households was found to be late afternoons or early evenings. While finding an adult respondent was relatively easy in the daytime, there was difficulty contacting the children themselves in the households during the daytime and proxy informants tended to be unreliable, especially concerning certain questions or variables.

In many cases the establishment-based investigation was not particularly successful, notably where it was difficult to identify employers and managers of workplaces. While it was hoped that the information obtained from the household heads and the children themselves would allow a list to be compiled of establishments where the children work, this proved difficult, mainly because many children were not available during the household inquiry and many adults were unable to provide the precise address of the children's place of work. Where a list or directory of establishments does not exist or cannot be compiled on the basis of the information obtained from the household-level survey, a micro-level approach can be taken in which the type of formal sector activities (industries, services) where children may be working are identified and the enterprises engaged in these activities are investigated.

In view of the fact that a large majority (90 per cent) of economically active children are unpaid family workers and some others are self-employed or casual labourers, this approach may often suffice. In a few of the countries where a proper sample survey of establishments proved difficult,

small purposive or convenience inquiries were carried out which produced some interesting statistical results, though for the most part these were qualitative and not representative of enterprises as a whole. Another problem regarding the establishment-based inquiry was the lack of full, or even any, cooperation on the part of the employers, especially where the employment of youngsters under a specified age is illegal. For this reason, the use of the term "child activity" or "child work" instead of "child labour" in the survey instruments and by field personnel during interviews, may lead to a better response rate at all levels.

Conducting a well-formulated campaign, prior to the launching of the survey, in the various localities and at the national level to publicise the importance of the data to be collected for improving children's welfare could make respondents much more cooperative.

Homeless children are not represented in household samples since they have no usual place of residence or home. These children, however, face daily risks, hazards and exploitation that are detrimental to their mental and physical development. A purposive approach was applied using well-trained interviewers who were well acquainted with the inner city where such children usually work or congregate. In one country in particular, a micro-level inquiry was conducted successfully taking as a starting point the fact that most homeless children are usually found in large urban centres.

The interviewers were sent out in the early evening and often at night with a detailed questionnaire to interviewers at random the children they found. In many cases, the informal sector operators for whom the children work were also interviewed. The exercise resulted in useful statistical data, enabling the survey team to analyse the various characteristics of street children: age; sex; educational background; migration status and reasons for being on the streets; types of economic activity and occupation; earnings; living conditions (food, sleeping place, etc.); difficulties encountered; skills; future plans; activity patterns and background information of their parents; and so on. The survey experiment based on a "time use" module was not

successful for the purposes of investigating children's activities and the intensity of their work. Even when presented with a long list of economic and non-economic activities, many children could not recall the activities in which they had been engaged during the 24 hours preceding the date of the survey.

Most children seem to remember only those activities which they most like, especially those in which they made "good" earnings. In many instances, it was difficult to consult the children themselves, and approaching proxies for this purpose was found to be futile since they could not account for the children's daily activities or their time allocation on each. Consequently, the results obtained from the "time use" exercise were found to be unsatisfactory. However, better-quality data may be obtained if the investigators or interviewers spend time in the area where the children can be found and interact with them and/or observe them throughout the day.

Unfortunately, this approach is neither practical nor feasible where the geographical coverage is wide and the sample size is large in order to make estimates at the national level. It is therefore recommended that, with the exception of a micro-level time allocation exercise, the application of a "time-use" approach to individual children to identify all their activities over a specific period of time (such as 24 hours) and to quantify the time devoted to each should be discouraged.

RECOMMENDATIONS ON CONDUCTING SURVEYS

The overall recommendation is to conduct a household-based sample survey which should be supplemented by surveys of employers (establishments and enterprises) and street children. Below are some details on each of these three survey approaches which could serve as technical guidelines.

Household-based surveys

The justification for these surveys and their suitability lies in the fact that by definition a household is a unit consisting of either an individual living alone or a group of two or

more persons living together with a common provision for food and other essentials necessary for living. The only persons who are not represented through household-based sample inquiries are the homeless, nomads, and household members who are absent from the household permanently or for a long period at the time of enumeration. If such persons do not live in another household within the country, they will not be represented in a household-based national sample survey.

However, such groups normally only constitute a very small proportion of the total population within any specific age cohort. Even then, much information could be collected on those who are away from the households by addressing various relevant questions to the household head or a proxy. This information could, in turn, be used to design a more appropriate investigation of such persons to find out more details on all aspects of their activities, occupations, living conditions and so on. The use of households as units of enumeration could permit the gathering of a wealth of statistical information on all or any segment of a country's population, subject to the availability of resources.

The ILO methodological experiments carried out in 1992-93 and national surveys undertaken since then concerning child labour in several countries have proved the household approach to be the most effective means for it profound assessment of the level, nature and determinants of the practice at the national level. During such surveys, information could also be collected on the activity patterns of adults not only because the additional cost involved would be marginal, but because such data are important for studying the interrelation ship between the activities of children and the activities of other members of the same household and in particular, those of their parents or guardians. Besides providing a national picture, another advantage of a comprehensive household-based survey is that, if implemented through well-designed sampling and stratification procedures, it would permit segregation of the statistical information not only into rural/urban areas and informal/formal sectors, but also, and more importantly, into

small geographical areas within any large geographical region or province.

The information on small localities would be crucial for formulating and implementing policies and action programmes appropriate for combating child labour in specific geographical areas or communities where the problem may be quite serious. The latter approach is much more efficient in many ways, particularly if the module is implemented as a supplement to an established programme of a labour force survey (LFS) conducted on a sample basis at the national level. This undertaking will not only result in substantial cost savings, but the operation could be achieved in less time. Operationally, it means that the module would be piggybacked into one of the rounds of the US and that the interviews for both the LFS and the module would be carried out at the same time.

Since the LFS questionnaire always seeks to enumerate the demographic and socio-economic composition of household members, there would be no need to repeat this part in the module for children. Through empirical studies it has been demonstrated that the incidence of child labour and the demographic and socio-economic characteristics of the "adult" household members are correlated positively or negatively depending on the different variables considered. Therefore, information on other household members has to be collected as well. The attractiveness of the modular option stems from the fact that there would be no need to list all the households selected in the initial stage of sampling, representing the primary-stage sampling units (PSUs), or to collect the basic information required for the stratification and selections of the second stage sampling units (SSUs).

Since there would be no repeat questions on the demographic and socio-economic characteristics of the children, the entire module would be considerably shorter. In addition, where the ILO and national statistics offices have collaborated closely in attaching a comprehensive child labour module to ongoing household-based surveys, significant savings have been realised. For example, in

Turkey, where the module was attached to one of the two rounds of the national LFS, the cost of the operation amounted to only one-fifth (20 per cent) of the total resources that would have been needed if a stand-alone child labour survey had been conducted. A similar approach was carried out in Cambodia where the cost of the child labour survey component was about one-tenth (10 per cent) of the estimated total resources.

To avoid limiting the coverage of the incidence of various forms of child work, all types of activities (schooling and non-schooling, economic and non-economic activities) of children within a specified age group would be represented through sampling and enumerated and the volume or workload of their activities quantified, so that the assembled statistical information could be cross-tabulated by the different characteristics of the variables included in the questionnaire. Depending on the level and nature of the quantified activities or variables, those which are judged or expected to have negative effects or consequences on the health, education and normal development of the working children could be considered as falling within the boundary of "child labour".

The data should then be further dissected into various categories of affected children based on the degree of harm caused by the quantified activities. Since the comprehensive household survey would investigate all the activities of children in the particular age cohort, the data collected would make it possible to identify the specific occupations of the working children, their working conditions, accidents/injuries/illnesses suffered—including their frequency and gravity—problems related to the workplace environment, particulars of employers using children, the specific industries in which children work, the effect of their work on their normal life (including their schooling) and other related matters which would assist in assessing more fully the extent, nature and causes of child labour.

Declarations and resolutions seek to protect all children under 18 years of age from different types of harmful activities, it is strongly recommended that the survey of

child labour should cover children from 5 to 17 years of age. One advantage of using this broad age cohort is that it would allow breakdown of the data obtained by different age groups, thereby satisfying the requirements of the various instruments, as well as national needs for respecting compulsory schooling regulations, labour codes and other legal requirements of individual countries. Examples of groupings are: 5-14, 15-17 and 5-17 years, the 5-14 age group broken down further by 5-9 and 10-14 years, all commonly used by most countries.

It may be useful to have the results also separately classified for children under 11, 12-13 and 14 years, in view of ILO Convention No. 138 and Recommendation No. 146 concerning Minimum Age for Admission to Employment (both adopted in 1973). Convention No. 138 generally prohibits economic activity of children under the age of 15, while making exceptions for those aged 14 years and for those between 12 and 13 years, depending on different circumstances in individual countries. It is also recommended that work of a domestic nature (household chores) performed by children in their own parents' or other relatives' homes where they actually reside should be included in the investigation of children's schooling and non-schooling activities.

The final data compiled on these children should then be tabulated separately from those relating to children who are economically active. Non-economic work of a domestic nature in the parents' or guardians' household would then be classified and tabulated into various ranges according to the number of hours during which such work was performed.

A threshold could then be established beyond which the activity could be deemed as constituting child labour. The above is based on the argument that many non-school-going children perform housekeeping activities in their parents' or guardians' households for various reasons, one being to make adult household members available for economic activity elsewhere. For many of these children this is a full-time occupation involving preparing and serving meals,

washing clothes, cleaning floors, taking care of younger siblings, serving as messengers in and around the household and so on, all this at the sacrifice of the education and playtime to which each child is entitled under the United Nations Convention on the Rights of the Child.

Even those who attend school are found to be spending several hours a day performing such activities which are detrimental to their schooling, health and normal development to adulthood. Such children suffer fatigue which affects their school performance and many are exposed to hazardous situations, for example, cooking food over an open fire. Children who are put under the guardianship of relatives or other persons are especially susceptible to much abuse in these areas of work. The sampling approach to be adopted for surveys on children's activities should in principle be a multi-stage stratified sampling design to capture a good number of working children. Conversely, where there is a homogeneity of activities (in rural areas, for example), under-sampling (a smaller sample) could be considered.

Where statistical software packages are not readily available, a self-weighting systematic sampling design with probability proportional to size (PPS) of the population being considered should be adopted, since this will have a uniform weight for estimating totals and will also facilitate the computation of percentages, means and ratios of the population parameters directly from the sample data.

The sampling and stratification procedures to be adopted depend on the availability of basic information on various factors and at different levels. Uptodate information or demarcations regarding the general characteristics of the areas to be covered, the composition of the population and/or the households within each area, and so on, would be required to serve as a master frame in designing several phases of sampling and stratification.

In the experimental surveys, the various elements or classifications considered for the stratification included: development levels of the selected rural and urban areas (e.g. poorly developed/well developed, slum/non-slum blocks);

income classes (low, middle, high); overall rates of literacy/illiteracy of the population; school attendance levels; family size, and so on. Again, depending on the sample size and the other factors, an over-sampling may be needed to capture adequately the incidence of child labour, which is more rare than finding an adult in the labour force.

According to ILO-IPEC experimental surveys carried out in Ghana, India, Indonesia and Senegal, the proportion of employed children among total child workers was found to be around 10 per cent. Thus, a survey of employers or establishments can give statistical information about only a small segment of child workers to supplement the results obtained through the household approach.

However, these child workers might form the most vulnerable section of all working children; some of them may be exposed to danger, maltreatment by employers, underpayment and environmentally bad working conditions. Such facts may not, however, be revealed through the survey of establishments as most employers will not divulge such information. Nevertheless, a survey of establishments employing child labour may be undertaken as a supplementary effort to find out more about the employers who have recourse to it.

The most important was the difficulty in identifying the establishments that employ child labour. Most developing countries do not have an updated or exhaustive national list or directory of employers. The task of preparing such a list and identifying those employing children in the ultimate areal unit is time consuming and requires considerable resources, both human and financial. Also, many establishment owners try to hide the fact that they actually engage children, and even if they admit to it, they may provide only partial information.

The alternative is to survey the establishments which employ the children belonging to the sample households. In spite of the problems that may arise, a survey of employers should be attempted.

The following alternative operational procedures, which can be modified according to national requirements and circumstances, may be considered:

- Constructing a list/directory of employers using a child workforce based on the responses provided by the children and their parents during a household-based child labour survey;
- Preparing, through local inquiries, a frame of enterprises employing child labour in the areas known to have a concentration of such units. For each unit, some broad information relating to the type of productive activity and the scale of operation may be ascertained;
- Selecting a sample of enterprises engaged in different activities in which children are known or suspected to be working; and
- Collecting the required information by interviewing all owners or operators of enterprises.

The main difficulty in applying the above operational procedures is the preparation of a proper framework. An alternative could be to list all the enterprises along with the listing of households in the selected areal units and elicit information as to whether or not they employ child labour. All the enterprises/establishments in each geographical unit in the sample for the household survey can be taken up. Such a scheme might also permit estimates of total child workers employed in enterprises. But it may call for a large number of ultimate areal units in the sample to obtain an adequate number of sample enterprises for the survey. Therefore, the strategy may be formulated according to the national circumstances of a country.

The three possible strategies are:

- 1) As undertaken in the experimental surveys, a verification of the establishments in which the child workers identified during the household survey are reported to be employed;
- 2) A survey of all the establishments (employing child labour) located in the ultimate areal units in the sample for the household survey; and
- 3) A survey of establishments selected purposely from a list (prepared through local inquiries) of enterprises employing child workers.

Surveys of street children

Certain activities of children can prove difficult to quantify through sample surveys; for example, prostitution, trafficking and other illegal activities are not easy to investigate given that, for the most part, such activities are hidden. A purposive or convenience survey approach may have to be used to collect qualitative information. It may be possible to contact a few of the children involved in these activities who are willing to be interviewed.

However, much information can be gathered through the "key informants" system—contacting and interviewing knowledgeable persons in the community where the activities are known to exist. The investigators would have to be sociologists, psychologists, and social workers. Questions addressed to youths in the streets should relate to most of the variables directed at the children aged 15 years mentioned under the household-based survey. Additionally, street children should be asked to provide information on their migration status and reasons for being homeless or for coming to the present place, on living conditions (food, sleeping places and facilities, health and safety), on the background characteristics of their parents/guardians and siblings, on whether or not they are in regular contact with their parents/guardians and/or siblings, on their present difficulties or problems, and on their prospects or plans for the future.

The actual fieldwork for collecting data from street children may be operationally difficult within the general framework of a survey. There may even be some resistance from the group and in some cases it may even be dangerous to visit such spots for survey purposes. If so, help should be sought from local influential persons, social workers and the like and sometimes even from police personnel. The first operational step in the survey of street children is to identify the different places in the city where groups of street children usually gather to sleep. After identifying these spots, a sampling of them can be undertaken if they are numerous, but otherwise they should all be surveyed. If a city has a large number of such places where street children gather, an alternative procedure could be to survey

those which fall in the areal units selected for the household survey in the city.

But since such places are not generally uniformly spread throughout the city, this scheme may not cover enough sample spots for the survey unless a special stratification is adopted. Therefore, an initial identification of such spots and a sampling of them may be more fruitful, particularly when such a survey cannot aim at statistical estimates for a larger geographical area. In the selected spots, a complete enumeration of all the children can be attempted if their number is small.

The children congregating at a particular place may often be homogeneous with respect to their activities and, therefore, if there is a large number of children in a given spot, a sample can be selected. To draw the sample, a list of all the children has first to be drawn up. Each child in the sample can then be interviewed to fill out the questionnaire. However, a survey of street children would have a number of limitations:

- The survey may not provide a reliable estimate of total street children by various categories, as the sample selected may not be representative;
- Children living individually on the streets may not be covered since many of them move from place to place continuously;
- It may not be possible to get reliable information on some of the activities (illegal or disreputable) pursued by street children, which they may not want to report to the investigators; and
- If there is resistance in some places (or even threats of violence), the investigators may try to avoid collecting data in such places unless security is provided.

Interviewers of street children should be those who are reasonably acquainted with the areas and streets where the children are usually found, who may even know some of the children themselves and who are well trained in putting the children at ease, for example, by providing them with soft drinks.

RECOMMENDATIONS FOR INTERVIEWING CHILDREN

The obvious way of collecting the information is by interview. A standard context for research interviews is the household-based surveys. But for reasons already explained, it is impossible to conduct indepth interviews with child workers inside an employer's workplace (or premises). The atmosphere is wrong, the timeframe is wrong, the employer may be obstructive; the child is most unlikely to be forthcoming and—fearing repercussions from the employer—may even give answers which please the employer, especially if the employer is present at the interview. This may also be true even at the household level, which makes it important to interview the child alone, particularly away from his/her parents or so-called "guardians".

Creating the right setting

Indepth interviews with children should therefore be conducted in a setting outside the place of work, preferably a place where the child feels safe and comfortable. Unless the interviewer has a great deal of experience in interviewing children, it will also be necessary to build up the child's confidence in the person concerned. Training in working with children will also be needed because creativity is needed to elicit correct information. Thus, interviewing children in depth, as opposed to asking broad questions, is best done over a period of time in a relatively unstructured and informal way.

The ideal setting is an existing project in which (ex)-working children are participating, for example, a drop-in centre or an education programme. If no such project currently exists, it is suggested that any attempt to collect in-depth information from the child workers at the employer's workplace or premises is postponed until it does. Here is a case where "action" should precede "research".

However, there is no need to feel that the task is impossible. Some NGOs have set up projects with the twin purposes of action and research in mind and have trained those who work with the children to collect information from them as part of their job. Alternatively, researchers

might identify—with help from social welfare departments and others—an existing institution such as a children's home where some children are to be found, and conduct research among them.

In interviewing children about the effects of terms and conditions of work on their physical and mental well-being, it would be a good idea to seek advice from professional child care workers, as well as follow the suggestions below.

First, if you ask a child questions in a way which leads to a "yes" or "no", the child will probably answer accordingly. If you say: "Please tell me about . . ." or "Please describe to me . . ." you are likely to get more information. Similarly, sometimes a "leading" question such as "What do you think of . . . ?" or "What do you know (or "Do you know") about the difficulties (or other situation) at your school, or where you work, or with your employer, or at your home . . .?" will result in more information.

Second, much information can only be gained indirectly. A child will not understand these words very well. So ask him or her to describe the whole day's activities, from the moment he/she gets up in the morning, right through until bedtime. Questions can be included about what the employer says and does; and about meals, sleeping space, rest breaks and so on. From the very specific, the child could then be asked more general questions about visits from family members, holidays, outings, pay, and the like.

Effects on well-being is more difficult. As far as health is concerned, you could include "before" and "after" questions such as: "How does . . . compare to . . . at home?" (food, bedtime, getting-up time, aches and pains). For psychological impact, you could ask about "my happiest times", and "my saddest times" and about contact with friends and relations. The most important thing is to create an atmosphere in which the child feels sufficiently comfortable to tell stories about his or her intimate experiences and reveal his or her feelings. This is why time, trust and the advice of child specialists are needed. Bearing in mind the delicacy with which interviewing should proceed, work out ahead of time what kind of subjects are

relatively easy to open up and what kind should not be opened without caution. For example, you can start with questions about tasks, pay, and "gifts" such as shelter, clothing, home, and medical expenses.

Then proceed to working hours, where the child sleeps, food and care, how often he/she has a day off. From these responses you may spot natural openings to questions about the treatment the child receives and how he or she feels about it. If at any time the child becomes distressed, you can stop. In addition to noting the child's responses to specific questions, you may also want to write down some of your observations: "observation" is a useful research technique. Immediately after the interview is over, write a few paragraphs about the child. But in this case the colleague should be very unobtrusive and sit somewhere off to the side.

If the interview is conducted in a separate room with just the child present, there should only be one adult interviewer or the child is bound to feel overwhelmed. Have your observation headings ready ahead of time. For example: dress, cleanliness, facial expression, willingness to speak up, body language, signs of emotion, personality, ability to express him/herself. You may think you will remember all these things later when you read your interview notes, but very quickly one interviewee blurs into another.

Drawing, painting, acting out and storytelling are revealing methods of eliciting information. They are especially useful in cultural settings where people are not used to being bombarded with questions.

Many NGOs use these kinds of techniques within non-formal education programmes. In Indonesia, *drama* and role-playing are used as a strategy for "breaking the silence" when working with children and young people who are socialised not to speak up in front of adults. Another technique is the focus group discussion. This is normally a semi-structured session with 6 to 12 participants picked for their special knowledge of the subject. Each group should have a facilitator trained in creating the kind of atmosphere which helps people speak up with confidence.

Child Labour and Human Rights

Childhood may be defined in terms of age but different societies have different age thresholds for demarcating childhood and adulthood. In some societies, age may not be a sufficient basis for defining 'childhood'. The fulfilment of certain social rites and traditional obligations may well be important requirements in defining 'adult' and 'child' status. In still others, the integration of children into socio-economic life may begin so early and the transition from childhood to adulthood may be smooth and gradual, making it virtually impossible to identify clearly the different life phases.

The concept of 'child' may mean different things in different societies and at different times. In the context of child labour, a working definition of 'child' may be a person below the internationally agreed age limit of 15 years. However, different countries have different basic minimum age of employment.

The economic exploitation of children in India has always been an area of concern. In rural areas it is the fact that the child who does not attend a formal school is a working child. Collection of water, fuel, household chores and taking care of younger siblings all constitute important elements of a child's life. While many of these activities cannot be defined as hazardous work, inasmuch as they interfere with the normal development of the child and in the child's ability to reach his/her true potential they violate

the Convention on the Rights of the Child. In the typical environment in which Indian children grow up the concept of a non-working, non-social going child simply does not exist.

The issue of compulsory education has always been something of an enigma. At the theoretical level very few disagree that all children should receive education, at least upto the primary stage, or with the fact that children should not work. In fact, the state has committed itself not only to the universalisation of primary education but also to the abolition of child labour through various pronouncements, not the least of which are the Directive Principles of State Policy enshrined in the Constitution of India.

Democracy and its three pillars—liberty, equality and fraternity—enshrined in the Constitution of India are relatively meaningless in view of the fact that 120 to 140 million children are working in this country. Of these, 55 million children between the ages of six and 14 are languishing in servitude.

They are employed mostly in agriculture and industries such as carpet weaving, brassware manufacture, glass and banglemaking, leather, gem cutting and polishing, matches and fireworks, stone quarries, brick kilns and handloom. Socio-cultural factors, including the abominable caste system and ethnic and gender discrimination, are responsible for the perpetuation of the scourge of child labour. These factors exercise a significant negative influence, worse even than socio-economic factors such as grinding poverty, unemployment and illiteracy. Little wonder that 90 per cent of bonded child labourers belong to untouchable castes and tribes.

No government can scale down adult unemployment without curbing child labour. This is so because the maximum job opportunities created every year are preferentially given to children as their physical and mental vulnerability makes them easy to exploit. In addition, children represent the cheapest source of human labour. Our logical apprehension is that if we do not eradicate child servitude today, we will be responsible for perpetuating the

poverty, abject misery and ill-health of 55 million adults in the country. It should be noted that the growth rate of the population is much higher among those communities in which unemployment is rampant. Obviously, if child labour is not controlled, impoverished parents will continue to succumb to the 'necessity' of enlarging the number of earning members in the family.

In India, an aggressive anti-carpet campaign was launched; the premises of manufactures were raided, children were liberated and their rehabilitation started. In addition, the issue has been publicised widely and political will has been generated for the total eradication of this menace.

The phenomenon of the sale of children is universal. The tragic circumstances leading to the abuse and exploitation of children cuts across the barriers between the developing and developed world.

As child labour entails the sale of a child, the following concepts of sale could also be considered: armed conflict; adult criminal activities: forced labour or abducted children; debt bondage; labour in the unorganised sector; labour in the organised sector; child prostitution; pornography and sexual exploitation; forced marriage; disabled children in the labour force; domestic labour; apprenticeship and family-supervised labour.

It is recognised that the exploitation of child labour is a form of sale of children. Generally speaking when one considers the notion "child labour" *per se*, it is not necessarily detrimental to children. However, when it gives rise to exploitation, usually be another party who has power over the child, it may result in negative consequences for children, both with regard to their rights and their development. It also constitutes sale because the child becomes the object of a transaction in cash or in kind. It appears that in many parts of the world, children are sold into several types of employment, either by their parents, guardians or other intermediaries.

Recently, the International Labour Organisation (ILO) estimated that there were some 88 million working children

between 10 and 14 years of age. Instances of exploitation are to be found in all regions of the world but Asia and South America figure high in the number of children in difficult circumstances. It is noted that the worst forms of child labour exploitation often take place in the informal sector and small-scale industries.

At the international level, various instruments provide an umbrella of protection for child labourers. Under the auspices of the ILO, a series of conventions and recommendations on the exploitation of child labour has been developed. One key convention is Convention Number 138 which establishes 15 as the basic minimum age of employment, although reduction to 14 may be possible in developing countries. The ILO conventions and recommendations have been strengthened by the advent of the convention on the rights of the child. The CRC emphasises anew the issue of sale linked with child labour. Article 32 states that "children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development".

In East Asia, the sale and trafficking of children for labour exploitation is still rampant both locally and across borders. The issue is closely linked with the sex market. In Africa, the exploitation of child labour in the informal sector was reported in various countries in 1993. In particular, the girl-child is a victim of exploitative domestic service. At times, there is a link with the remnants of slavery, such as the sale of children for forced labour, particularly from certain ethnic groups.

In Central and South America, the number of children at work is large, especially as there is a vast population of street children. There were disturbing incidents of killings of street children during the past year. In this region, too, the problems of child domestic workers and the use of children in the informal sector are rampant. At the other extreme, children are at times employed to sell drugs. In Europe, the problem of child labour exploitation poses a challenge to many countries. This includes a specific linkage

with children used as instruments of crime and as domestic workers.

In relation to child labour, the whole range of measures advocated by the UN Commission on Human Rights' Programme of Action for the Elimination of the Exploitation of Child Labour, 1993 should be implemented. There should be stricter law enforcement in the case of child labour, with more incentives for exemplary law enforcement personnel. All vestiges of bondage should be eradicated, and attention should be paid to the plight of the girl-child. The Programme of Action against Child Bondage, 1992, should also be placed as a priority for all parties concerned.

Child labour only happens in the poor world—while the vast majority of working children are found in developing countries, children routinely work in all countries. In every country, rich and poor, it is the nature of the work children do that determines whether or not they are harmed by it—not the plain fact of their working. Few people in the industrialised world, for example, would look upon the employment of a child to deliver newspapers for an hour or two before school as an exploitative form of child labour, despite the fact that the child will certainly be paid less than normal adult rates for the job. Often such a job will be encouraged in the interest of the child's gaining experience of the 'real world' of work and commerce.

Child labour will never be eliminated until poverty disappears—it is true that the poorest, most disadvantaged sectors of society supply the vast majority of child labourers. The conclusion often drawn from this is that child labour and poverty are inseparable and that calls for an immediate end to hazardous child labour are unrealistic.

The phrase 'child labour' conjures up a particular image: we see children chained to looms in dark mills and sweatshops, as if in a long and nightmarish line running from Lancashire in the 1830s right through to the South Asia of the 1990s.

Child labour has increased substantially in Central and Eastern European countries as a result of the abrupt switch from centrally planned to market economies. In

industrialised countries, such as the UK and the US, meanwhile, the growth of the service sector and the quest for a more flexible workforce have contributed to an expansion of child labour.

Understanding all the various cultural factors that lead children into work is essential. But deference to tradition is often cited as a reason for not acting against intolerable forms of child labour. Children have an absolute, unnegotiable right to freedom from hazardous child labour—a right now established in international law and accepted by every country that has ratified the convention on the rights of the child. Respect for diverse cultures should not deflect us from using all the means at our disposal to make every society, every economy, every corporation, regard the exploitation of children as unthinkable.

Street child labour, virtually unheard of prior to the transition to a market economy, is now a growing problem in the Russian Federation. In Kyrgyzstan, in Central Asia, the numbers of children working on the streets, selling food and other products, have increased dramatically over the last three years. Many have dropped out of school or never attended classes. On the streets, they shine shoes, wash and guard cars, carry luggage, hawk flowers and trinkets, collect recyclables and find a myriad other ingenious ways to make money. The amount they earn may be small but is sometimes more than they would receive from formal-sector work.

In virtually every area of life and in every country as these annual state of the world's children reports have long noted, girls and women routinely bear burdens and endure treatment that reflect their unequal status. So it is with child labour. Working girls are often invisible, treated as if they did not exist.

All over the world, more girls than boys are denied their fundamental right to primary schooling. In some regions, including the Middle East and North Africa, sub-Saharan Africa and especially South Asia, the gender gap is still enormous. Educational equality between the sexes is being approached in East Asia and Latin America and the Caribbean, but elsewhere little progress has been recorded.

The exploitation of children is one of the consequences of complex situations of insufficient progress. ILO observed that 98 per cent of the economically active children are found in developing countries. The Special Rapporteur of the United Nations Sub-Commission on prevention of discrimination and protection of minorities also observed that poverty and exploitation of child labour go hand-in-hand. It is the poorest populations, at the lowest levels of human existence, who are forced to work the most prematurely. Children may be forced to work due to poverty but child labour in turn accentuates poverty. Children are engaged in jobs that can be done by adults too, thus depriving adults of jobs.

Employers prefer to hire children because they can extract the same work from children at lower wages, in the process bringing down the overall wages for such jobs. Thus child labour increases adult unemployment and reduces their income and thus forces adults to send their children to work to supplement the family income. The poor are thus caught in a vicious circle. Rather than improving the household income, child labour helps to reduce it. In a large number of developing countries, migration from rural areas has also intensified the problem of child labour. In most developing countries, developmental efforts have neglected the agrarian sectors, resulting in growing pauperisation of small farmers, increasing landlessness and rural differentiation. This has led to search for wage employment in commercial farms, as well as to rapid migration away from rural areas. Children from poor families are forced into the labour market to work either individually or as part of contracted family labour.

When a rural family migrates to the town, the adults are straightaway faced with a new and unknown environmental and labour situation. As a result of the instability and insecurity that this causes, the children are often sent to work so that the family may survive.

Countries having low literacy and school attendance rates generally have the most acute child labour problems. It has been often stated that education can bring the dramatic exploitation of child labour to an end. The example of the

developed countries confirms this conclusively. The historical record reveals an astonishing correlation between the progress of education in Europe and decrease in the volume of child labour and the transformation of its very nature. A glance at the educational statistics shows that it is almost always the same countries that admit to being the most behind in school enrolment and teacher-student ratio, that have the greatest problems as regards the exploitation of child labour.

It is said that governments in developing countries lack financial resources for universal compulsory primary education and parents often find schools irrelevant to meet their needs. Many countries successfully made primary school education compulsory and universal when per capita incomes were low, poverty was widespread and parents would have employed their children had they been permitted to do so.

The relationship between child labour and illiteracy may not be one of cause and effect. Some countries have largely succeeded in eradicating illiteracy but remain confronted by the child labour problem, which is sometimes very acute. Sri Lanka is an example of a country that massively expanded its primary school enrolments in the 1950s. By 1981, 90 per cent of the primary school-age children were in school and 70 per cent of all children completed five years of schooling. Labour force statistics indicated a sharp decrease in the number of children in the age group of 10-14 in the labour force from 1946-63 as a result of school enrolment. Thus the importance of compulsory schooling in the struggle against child labour cannot be undermined. However, the educational system adopted by countries concerned must be meaningful and realistic and must adapt itself to the real needs of society.

The role of vested interests in perpetuating child labour also need to be highlighted. Employers often claim that there are types of work for which children are particularly suited. However, most work done by children can also be done by adults. The real reason behind employers preference in hiring children is the desire to maximise

profits. Children can be made to work for long hours for low wages. Employers find it easier to deal with children because they do not organise themselves in trade unions, can be easily intimidated and are not capable of defending themselves and insisting on their rightful due. The notion of child labour is also rooted in the traditions and attitudes of the regions where it is practised, as a remnant of the past, a form of resistance to change.

In many societies, child labour is not considered a problem and is regarded as part of a child's normal socialisation even if exploitative work conditions are present. On the other hand, the attitudes and beliefs of policy makers in several developing countries regarding the respective roles of upper and lower classes have perpetuated the problem. It is often argued that the children of the poor should be prepared for their future roles from an early age. Child labour persists in some countries because of lack of political will to deal with the problem and because child labour laws cannot be adequately enforced because of shortage of qualified labour inspectors. Thus children work because of poverty, lack of compulsory education, rapid rural-urban migration and because of prevailing social, cultural and political attitudes.

Family farming makes the greatest use of child labour in the context of unpaid family assistants. In this type of labour it is not so much the child who is exploited by the general social system as the whole family. The economic, social and cultural situation of the family obviously has repercussions on the child but he at least remains integrated in a social context that is in principle protective. Children are also engaged in family craftwork. The intricate rules governing the market for the crafts produced also makes possible exploitation and abuses.

As in the case of family farming, there is no question of wage and the situation remains one of joint production at the group level. This type of activity, in which the exploitation of child labour is no less real because it is indirect, to be found in most parts of the world. Craft piecework is a more highly evolved form than the previous

type. It meets the same needs, is carried out in the same places, and employs the same manufacturing techniques. However, a middleman or a capitalist is involved who picks up the products from the families to market them, having first secured a more or less extensive and more or less excessive sales monopoly. The family no longer has direct access to the market. To be in a better position to exert pressure he gives a small advance on the wage.

The threat of exploitation is clearly greater and affects the child along with the family. Since payment is made on the basis of amount and quality of work, to earn more money the family calls upon its children and becomes the more or less willing and conscious accomplice of the middleman.

Children also carry out small tasks on their own account. However, two subtypes, differing radically, according to the level of development of the country, must be distinguished in this type of work. In developing countries, the child usually works in order to live and in order to survive. In developed countries children usually work in order to satisfy secondary or even superfluous needs. Small tasks called out by the child for third parties are different in that they produce a relationship of dependence which can very easily become one of exploitation. The seasonal labour of children in agriculture is more organised and also more prevalent. Seasonal labour is in general remunerative and is carried out under widely varying conditions. However, to the extent that it is work that is very difficult to control and in which middlemen are fairly numerous, the loopholes for abuse are quite large.

Learning how to work is a part of any sound and balanced education. Apprenticeship enables the child to try his hand at a task at a fairly early age and then to improve in skill until all operations have been mastered. But very frequently apprenticeship is simply subterfuge for evading legislation on minimum age. The exploitation of child labour is perpetuated through apprenticeship. More often than not, supposed apprentices are in fact working rather than learning and not being paid for it. Such a state of affairs

may sometimes last for years. There is too much fake apprenticeship, which is merely a facade behind which there is nothing at all, since the activities performed require no qualification, provide no training and at best are carried out for paltry sums.

Maids-of-all-work in situation of virtual bondage are to be found everywhere. This type of child labour is very widespread. Bonded labour is the ultimate stage of exploitation of child labour. Debt bondage can arise in a number of ways. In agrarian societies land tenure patterns impose on tenants, sharecroppers and similar categories of workers obligations over and above household consumption requirements. In some cases, these obligations, may take the form of providing the landlord a share of the produce. But in others they may involve the provision of labour services, including those of children. The prevalence of such relations is known to lead to a severe and high incidence of debt bondage. Debt bondage is often also the result of the parents being given a loan to meet some urgent need. The debtor then has to repay by working. Parents may send children to work in the house of the moneylender.

In practice the debt does not decrease; it climbs ever upwards—a combination of usurious interest rates and outright fraud. These children may stay for many years, not knowing how long they must work or even the size of the debt they are paying off. While bonded labour is prohibited by law, it is still found for example, in parts of South and South-east Asia.

Children in most countries have always been used as prostitutes but the situation in some Asian countries, like Thailand, has been aggravated by the expansion of mass tourism. Both boys and girls are used in the flesh trade. In Sri Lanka, for example, the majority of child prostitutes are boys. The problem can also be analysed by examining the sectors in which children are employed. Sectors employing child labour vary from one country to another but child labour is most common in agriculture followed by service sector, largely in street trades and in third place industry.

Most child work is agricultural. Starting with light tasks, such as looking after animals, collecting firewood and fodder and drawing water, they later learn to sow and to reap. In commercial agriculture, on plantations for example, they often work as part of the family team: weeding, spreading fertilizer, tending plants, though they often share in the heavier tasks. The rapid urbanisation process of recent decades has led to a marked increase in child labour in the cities. Children work in a wide variety of street trades: as shoeshine boys, messengers, sellers of magazines, food, flowers, lottery tickets, etc. These children are often termed as street children because they may be literally living on the streets or at the place of their work. The boys very often work as waiters in roadside cafes and restaurants and as pageboys and the girls as hotel maids or domestic servants. Children who work in industries are generally employed in the informal sector. While in some industries children perform secondary tasks, they may also directly participate in the main tasks of production.

Where children work in a family undertaking, generally working conditions may not be too arbitrary. However, these traditional situations are declining in many areas, especially where plantation agriculture is becoming established or where there is massive out-migration. When children are employed outside the family, the way they are treated, as well as their conditions of work, are usually determined by the employer. The possibilities of ill-treatment are unlimited. Ill-treatment may include corporal punishment, abuses of all kinds, humiliation and frustration. Children are usually employed in the informal sector, where conditions of work are appalling and welfare facilities are conspicuous by their absence.

The tasks in which they are employed are generally monotonous and repetitive in nature and often they are ill-suited to the child's physical and mental capacities. The working conditions severely tax the child's physical and mental resistance as a result, for example, of suffocating heat in enclosed premises or exposure to rain or sun in open-air work. They may be forced to work in an awkward position in badly lit, badly ventilated, noisy or unhealthy

premises, in damp and unhygienic surrounding, in an atmosphere contaminated with dust or gases, crammed together with other workers, in workshops without adequate safety devices, rest areas, medical and toilet facilities, having to carry excessively heavy loads, etc., all in violation of the principles set forth in international instruments to protect their rights.

Children who are more or less self-employed and child street traders generally feel they are freer than other working children. Despite their relative freedom, they too are an exploited lot because they too have to bear the demands of the market. Although many self-employed workers work in their own home, others have to travel varying distances to reach their workplace as many wage-earners do. When carrying out their activities they are hardly ever protected from the vagaries of the weather. They may be harassed by the police or by groups of youths or adults.

The length of time that children work each day and over the year varies considerably according to their schooling status, their parent's wish to keep them at work more or less continuously, how long the employer needs them and so on. Some children work only during the school holidays, at weekends, early in the morning or late at night. Seasonal work is also often undertaken by children, in agricultural work for tasks such as sowing and harvesting. In some countries, girls work longer hours than boys because boys spend more time at school. It is common knowledge that children in domestic service work long hours since they must be available at virtually any time to carry out their employer's bidding.

Some wage earning, children are permitted to take work breaks at fixed intervals during the working day. Others are not allowed to do so despite the fact that a child needs a break more often than an adult if he is to recharge his physical and mental batteries. The period of daily rest is often not sufficient, especially in agricultural work, industry, some service industries and domestic service. The weekly rest is sometimes granted and paid, sometimes granted but

not paid and sometimes not allowed at all, i.e., the working week is a seven-day week.

When the child is a wage earner, he may be paid a salary, a daily wage or piece-rate wage. The wage that a child earns is much lower than those received by an adult for doing the same work. A still more flagrant example of exploitation of child workers is that of supposed apprentices who are in fact working than learning and are not being paid for it. Finally, in another types of exploitative relationship, payment is symbolic or non-existent or supplied in kind: food, lodging or 'presents' to the child or to the family.

CONSEQUENCES OF CHILD LABOUR

Sending children to work may seem a rational approach to poverty but employment of children has profound repercussions. ILO research shows that child labour is almost universally recognised as being undesirable, harmful for the children themselves and harmful for the future of their nations. When a child joins the workforce at a young age, he is deprived of the opportunity to educate himself and acquiring qualifications which will help him in getting a better job in future. It is, therefore, very likely that a child who has been at work from an early age will spend his whole life at the bottom of the social ladder. Thus child labour has become a mode of perpetuating an unjust social system and of ensuring the continued availability of subservient, unskilled, illiterate labourers who do not have the bargaining power to question the system that marginalises them and deprives them of their right to lead a decent life.

Many of the jobs that children do are harmful for their physical development. The physical susceptibility of working children also has a lot to do with the fact that they have very different capacities and needs from adults, and this fact is very rarely taken into account by employers. The manner of their employment, the nature of their work and the conditions under which they are often employed subject them to severe health and safety hazards. Work in agriculture is also characterised by certain hazards, particularly with the introduction of advanced farming

practices, new techniques and chemicals. There is also prolonged exposure to heat, sunlight, dust, wind and insects and the high costs in terms of safety and health associated with work in commercial and plantation agriculture.

Children are particularly at risk from endemic and parasitic diseases, diseases of the respiratory tract, dermatosis and fatal accidents. However, these problems are multiplied several fold in industries. Work may be heavy and intense; it may be highly mechanised and extremely monotonous; it may involve the use of sharp and dangerous objects and toxic substances; it may be carried out in conditions of extreme heat, dust and noise.

Child workers in industries are faced with serious risks to their health and physical development. They may be required to undertake tasks for which they are entirely unprepared physically. In a number of industries children are exposed to lead poisoning which may have no noticeable effect on adults. There are claims that children's brains are detrimentally affected due to exposure to lead poisoning. There are documented cases of paralysis caused by the use of toxic glues.

There is documentation on the paralytic effects of a number of chemicals on children in Moroccan workshops where children were gluing suitcases and shoes. In these cases the toxic effects were accentuated by poor sanitation and ventilation and the younger the child, the more serious the paralysis. The risk of occupational diseases or accidents are higher among child workers because their growing bodies are not as strong as adult workers. Several studies show that child workers have greater health problems than adults even if both are placed in the same working environment.

There can be special risks associated with the working environment. Heavy loads and awkward body positions in particular can affect physical growth, especially the growth of bones, which are still soft in children. When a child is regularly bent under a heavy burden or is forced to stay in an unnatural position for long periods, deformation of the spinal column, pelvis or thorax may be the result.

A World Health Organisation report on child workers cites health hazards such as bony lesions and postural deformity attributable to such work as carpet weaving, embroidery and lifting heavyweights. Children generally work for long hours, which results in excessive fatigue and stunted growth. Poor children are generally malnourished but their work increases their energy requirement and calorie deficit. Moreover, if they suffer from anaemia, fatigue and inadequate sleep, they become more susceptible to accidents and infectious diseases. Excessively hot, damp or dusty conditions also create a milieu which favours the transmission of communicable diseases. Many of these diseases, for example, tuberculosis, may be very difficult to cure and involve lifelong illnesses.

Once again, malnutrition, anaemia, inadequate sleep, etc., lower resistance. Once infected at an early age, and through constant reinfection, it becomes difficult to break the vicious cycle of contact. In many cases workplaces do not meet hygienic standards. There is often no running water or toilet facilities. In these situations gastro-intestinal diseases flourish and it is difficult to break the oral-faecal cycle.

The self-employed child who has an accident or contracts a disease of occupational origin obviously benefits from no form of social protection. If the child is a wage-earner he is not usually protected either since in the vast majority of cases he is working illegally. If he is the victim of an occupational accident or disease he and his parents must be prepared for fearful and irreversible consequences. The official statistics reveal a very small proportion of the occupational accidents or diseases that affect children. Thus many jobs done by children are the cause of physical deformities and illnesses such as deformities of the spine, stunted growth, infections, burns, sores, etc., or else they may aggravate defects or maladies. Child labour involves both short-term and long-term health risks.

Child labour has mental repercussions also since the age at which he usually starts to work coincides more or less

with a period of profound mental change in the child. The mental consequences of child labour are not just the result of the work situation but the violent change to which the child is exposed. In many cases children are separated from their families when they migrate to cities and other places in search of employment. An unfamiliar, often oppressive work situation, exacerbates the stresses and leads to socio-cultural disorganisation. There is a breakdown of effective communication, impaired human relations, insecurity problems of identification, a high prevalence of psycho-neurotic reactions and psychosomatic disorders.

With the spread of compulsory schooling in developed countries, the rapid and considerable improvement in levels of living and the enforcement of anti-child labour laws there was a significant decline in child labour. However, child labour is still prevalent in the developed nations, according to an ILO report. In the poverty pockets of the industrialised countries there may be as many as another 10 million or more working children, many of whom are not in school full-time and many may not be reached by health services. These children are found particularly amongst illegal migrant families; but also in certain occupations in the entertainment or publicity industries.

INTERNATIONAL ACTION AGAINST CHILD LABOUR

The growing magnitude of the child labour has made it a cause for international concern. Efforts have been made at the global and national level by various international organisations along with their member nations to expose the problem and to cope with it. The beginning of the industrial revolution brought about the enactment of child labour laws. In the international arena, the first conventions indirectly protecting children began in the late 19th and early 20th century. Children's right emerged as a sub-category in the development of the rules of war and of the international labour conventions. The idea of grouping children into a distinct category was gradually promoted. Children have been a silent and unrepresented minority, they used to belong to one of those groups in history which Martin Luther King Jr described as "nobodies".

Non-governmental organisations played a very important role in giving shape to the rights of the child. The whole process started at the outset of 20th century, when some British women in Cambridge made a survey of the charitable societies at that time to determine what protection was provided to children. These pacifist women worked throughout the First World War to alert the general public to the plight of children in war-affected areas. After the war, they founded the "Save the Children" movement, whose lobbying led to the recognition of the rights of the child in the League of Nations. In January 1924, a committee was set up in the league whose scope included the protection of children in general. This was later divided into two sections, one of which was specifically devoted to child welfare.

The Geneva Declaration of the Rights of the Child was adopted in 1924. The Geneva Declaration recognises the principle that childhood is entitled to special care, assistance and safeguards. The Geneva Declaration contains a sentence that has become the motto of all supporters of the children's cause: "mankind owes to the child the best it has to give."

The General Assembly of the UN adopted on 10 December, 1948, a Universal Declaration of Human Rights. Portions of the Universal Declaration of Human Rights apply specifically to minors. It contains 30 articles, 21 of which spell out civil and political rights, and six articles deal with economic and cultural rights. The UN adopted a Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery in 1956. This convention prohibits the exploitation of child labour in cases where children are delivered to another person for that purpose.

The International Covenant on Economic, Social and Cultural Rights imposes a general prohibition on the employment of children under a certain age and the employment of children in work constituting a threat to their health or morals. Though the Universal Declaration of Human Rights, 1948, implicitly included the freedom and

rights of children, it was believed that this was not enough. It was felt that the special needs of children justified a separate document because children are particularly vulnerable to arbitrary deprivation of their human rights. This led to the adoption of the Declaration of the Rights of the Child in 1959. The 1959 declaration enunciates general principles for the care and protection of children. It is mainly concerned with economic, social and cultural rights. It must be noted that it was in the preamble of 1959 declaration that the problem of implementation of children's rights was first mentioned. The preamble to the declaration states that the child because of his physical and mental immaturity needs special safeguards and care.

The Declaration of the Rights of the Child also prohibits the employment of children under a certain age and the employment of children in work which endanger their development. Principle 9 states: "The child shall be protected against all forms of neglect, cruelty, and exploitation. He shall not be the subject of traffic in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development".

The Government of Poland submitted a draft Convention on the Rights of the Child to the General Assembly in 1978. In 1979, it submitted an amended version of the draft to the Commission on Human Rights. The General Assembly requested the Commission to give the highest priority to the question of completing the draft convention, "bearing in mind the children's rights are basic human rights and call for continuous improvement of the situation of children all over the world as well as their development and education in conditions of peace".

As a result, the General Assembly decided to set up a working group within the Human Rights Commission, which from 1979, the International Year of the Child, met regularly to complete the Convention. On November 20, 1989, the General Assembly at its 44th session adopted the

Convention. It came into force on September 2, 1990, following ratification by the stipulated minimum of 20 member states. The Convention recognises the exceptional vulnerability of children and proclaims that childhood is entitled to special care and assistance. It is guided by the principle of "first call for children"—a principle that the essential needs of children should be given highest priority in the allocation of resources at all times. It obligates the state to respect and ensure that children get a fair and equitable deal in society. The Convention's provisions can be categorised under the headings of civil and political rights, social rights and cultural rights.

Article 3 states that "in all actions concerning children... the best interests of the child shall be a primary consideration". It implies that whenever a child's right is in the process of being affected, the focus must be on the child's welfare and not on the parents' or guardians' will. The extraordinary importance of Article 3 lies in the fact that for the first time it grants children the right to their best interests. Article 27 makes it obligatory for the state to recognise the right of every child to have a standard or living which may ensure requisite physical, mental, spiritual, moral and social development of each child. Article 28 of the convention imposes a liability on the state to recognise the right of the child to education and for that purpose it is expected on the part of each state to make primary education compulsory and it should be available to all children free of cost. The state is also expected to take measures to encourage regular attendance at school and the reduction of dropout rates.

Under Article 32 obligation has been imposed on each member state to recognise the right of each child for being protected from economic exploitation and from doing work of hazardous nature which may prove to be harmful to the health of the child or retard the physical, mental, spiritual, moral or social development of the child. Article 35 requires state parties to take all appropriate measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form. As of 1995, 181 countries had ratified the convention.

The ILO has concerned itself with the question of child labour since its foundation in 1919. The abolition of child labour has been one of its basic aims since its establishment. At the same time, it has pursued a systematic policy of protection of working children from undesirable conditions of work. The ILO's traditional approach to child labour has been to lay down international labour standards through ILO conventions and recommendations. There are thus two main categories of ILO instruments concerning child labour: instruments prohibiting child labour, and protection of child labour. The first instrument which set a minimum age for admission to employment was the Minimum Age (Industry) Convention (No. 5), adopted by the ILO General Conference at its first session in 1919. This convention fixed the minimum age for admission of children to industrial employment at 14 years.

At subsequent sessions the ILO adopted various other conventions and recommendations fixing minimum age standards for admission to employment in different sectors of economic activity. In 1973, the ILO decided that the time had come, as stated in the preamble to the convention, to establish a general institution on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour. Convention No. 138 provides that "each member should pursue a national policy to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with fullest physical and mental development of young persons". This age should not be less than 15 years. However, the above Convention provides the possibility of lowering these age limits in certain circumstances. Article 2 lays down that a country "whose economy and educational facilities are insufficiently developed may, after consultation with either the organisation of employers and workers concerned, where such exist, initially specify a minimum age of 14 years".

Moreover, a member state whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of the Convention and

may extend the scope at a later date. However, the provisions the Convention must be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport, storage and communications, and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

Article 7 lays down that "states which have ratified the convention may permit the employment of children 13 to 15 years of age (12 to 14 for states which have adopted 14 years as a general minimum age) and of older children who have not completed their compulsory schooling, in 'light work' which is not likely to be harmful to their health or development" and not such as to prejudice their attendance at school or their participation in vocational orientation or training programmes". As regards work which is likely to jeopardise the health, safety or morals of young persons, the convention lays down that the minimum age for admission to any type of employment or work of this kind shall not be less than 18 years.

Article 3 provides that a country may authorise employment in dangerous work as from the age of 16 years on the condition that health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate instruction or vocational training in the relevant branch of activity. In addition, the International Labour Conference adopted the Minimum Age Recommendation, 1973 (No. 146) to supplement the Minimum Age Convention, 1973. This recommendation invites states to give high priority to planning for and meeting the needs of children and youth in national development policies and programmes and to extend interrelated measures necessary to provide the best possible conditions of physical and mental growth for children and young persons. It recommends that members take as their objective the progressive raising to 16 years of the minimum age for employment or work specified in pursuance of the Minimum Age Convention.

In countries where the minimum age for employment is still below 15 years, urgent steps should be taken to raise that level. In countries where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, steps should be taken to raise it to that level. With a view to facilitating the goals set forth in the convention, the recommendation advocates the adoption of measures designed to achieve full employment of adults; the progressive extension of other economic and social measures to alleviate poverty so as to make recourse to child labour unnecessary; the adoption and extension of adequate facilities for educational and vocational guidance and training; the adoption of special measures for children who do not have families or do not live with them, as well as for migrant children; and the introduction of compulsory full-time attendance at school or participation in vocational training courses at least up to the age specified for employment in Convention No. 138.

While maintaining the long-term aim of achieving the prohibition of child labour, the ILO has also pursued a policy of fixing standards with the objective of protecting child labour against exploitation. This had led, since 1919, to the adoption of a number of conventions and recommendations prohibiting the employment of children and/or young persons in certain types of work and regulating their working conditions.

Legislation alone is not enough to deal with the problem of child labour. There is a wide gap between the legal instruments and the actual state of affairs as is borne out by ILO case studies. Child labour seems to be effectively abolished in the formal sector characterised by large enterprises using highly mechanised or capital-intensive techniques. Even here, it is not clear whether this is due to a strict enforcement of child labour legislation or to the fact that child workers are of little use and uneconomical in a production system which uses advanced technology and less labour input. In any case, child labour continues to be widespread in the unorganised sector of industry, agriculture

and services in much of the developing world, despite national legislation prohibiting it.

There are many factors, responsible for the poor enforcement of existing legislation. The availability and quality of education along with the poverty of the families of school age children act as a brake on the effectiveness of legislation. The inadequacy and low standards of education results in a very high school dropout rate and undermines the parents expectations concerning the benefits of schooling. Moreover, governments lack effective enforcement machinery to monitor regulations and standards governing child labour. Such machinery is seriously deficient in most developing countries. The inspectorate system is generally understaffed and thus unable to cope with child labour. The introduction of social security contributions in respect of young workers has reduced employers' reliance on child labour.

Since child labour is closely linked with poverty, lack of development and inadequate schooling in the countries in which it is prevalent, child labour legislation must be accompanied by a wide range of measures concerning employment and income generation programmes, and by a reform and expansion of education facilities. Keeping these realities in mind, the ILO has not confined its activity to the establishment of standards and monitoring of the application of conventions.

In recent years, the ILO has supplemented its standard-setting work with research, information dissemination and technical assistance. ILO extends technical cooperation to member states to enable them to bring national laws and practice closer to the model set out in international labour standards.

The ILO technical cooperation activities focuses attention on eliminating forced labour or bonded labour and child labour in industries and occupations which are detrimental to the safety, health or morals of children. It recognised that employment of children in certain dangerous types of occupations, such as work which involves exposure to toxic substances, use of pesticides or insecticides in agriculture

and recycling of household waste in dumping sites, may not be prohibited by national legislation, but should be eliminated.

The ILO recognises the fact that though it has been playing a leading role in the struggle against child labour, some of the action required to attack the underlying causes of child labour—poverty, insufficient economic growth and deficiencies in the education system—is within the competence of other international organisations like the International Monetary Fund (IMF), the World Bank, the General Agreement on Tariff and Trade (GATT) and the United Nations International Children Emergency Fund (UNICEF).

The ILO proclaims that diversity of mandates for action in the struggle against child labour should therefore be reflected in strengthened cooperation between the ILO and these other organisations and most importantly, by close collaboration with the UNICEF. Another way the ILO addresses the problem of child labour is through programmes and projects at the national and local community level. The ILO has committed itself to a major effort to halt child labour. The International Programme on the Elimination of Child Labour (IPEC) came into being with a view to giving a new impetus to the ILO's operational activities in this field.

The operational structure of IPEC is based on ILO rules and procedures and on Memoranda of Understanding between the ILO and participating countries. The MoU finalises the agreement on the development and execution of national IPEC activities. It establishes the areas, principles and modalities of cooperation between the ILO and the government. IPEC seeks collaboration with other UN agencies, particularly the UNICEF, the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the World Health Organisation and also with international NGOs to avoid duplication of effort and to maximise the impact of all available resources against the problem. IPEC focuses on the worst abuses of child labour: hazardous work, forced labour, the employment of working

children who are less than 12 or 13 years old girls and street children.

Organisations directly involved in initiating and implementing the action programmes include governmental institutions, policy makers and political leaders, in particular the ministries of labour, education, health and welfare and information and statistics. Partner organisations include NGOs, including voluntary agencies, workers and employers' groups, religious organisations and the media. The immediate objectives of the programme are: (i) to have enhanced the capability of ILO constituents and NGOs to design, implement and evaluate policies and programmes aimed at the elimination of child labour and the protection of working children; (ii) to have determined the comparative strengths and weaknesses of various types of intervention at the local and national levels for replication and adoption; and (iii) to have established mechanisms at both the national and international level capable of generating and supporting public awareness and social mobilisation campaigns to combat child labour.

In order to promote action against bonded child labour, the ILO, within the ambit of IPEC, organised the Asian Regional Seminar on Children in Bondage in Islamabad in November 1992. It was held in collaboration with the United Nations Centre for Human Rights and the government of Pakistan.

Elimination of child labour is also a key component of UNICEF's policy. UNICEF is the only UN agency devoted exclusively to the needs of children. Founded in 1946, initially to care for the children of war-torn Europe, its mandate was gradually expanded. UNICEF supports government efforts in providing services essential to the survival and development of children such as clean water, safe sanitation, immunisation and other health measures. It also seeks to provide to children skills essential for leading a healthy and productive life and thus education is a major priority of the UNICEF. UNICEF collaborates with governments, international agencies, NGOs, trade unions and legal experts to promote the elimination of child labour and integration of children released from labour into the

educational system. It has been a major funding agency for improving the lot of children in general and child labour in particular. UNICEF has sanctioned \$0.5 million for child labour programmes for the five-year period commencing from 1991.

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) is another of the UN's specialised agencies. UNESCO has special responsibility for everything involving prevention of the various forms of discrimination and promotion of the educational and cultural rights. UNESCO has also been making efforts to combat with the problem of child labour.

Set up in 1946, UNESCO aims at promoting cooperation among nations through education, science and culture and thereby contribute to peace and security and enhance universal respect for justice, fundamental freedoms and human rights, including rights of the child. It has tried to attack the problem of child labour through the spread of education. Thus the efforts of these international organisations are in the right direction and indeed commendable.

The goal of complete abolition of child labour is still a distant one. In order to be effective, it is essential that international organisations arrive at programmes and campaigns suited to national conditions. Moreover, there is a need for greater coordination of efforts of international organisations in the struggle against child labour. International organisations also need to develop their campaigns within the framework of a partnership with concerned governments and NGOs if their efforts are to have a lasting impact on the status of the working children of the world.

The problem of child labour has assumed serious proportions. Their continued and widespread employment in the workforce is a denial of their basic rights. The repercussions of child labour are confined not only on the children individually but on the society as a whole because the contribution of these children to society in future will suffer on account of the sacrifices made in terms of their health and education.

Child Labour Legislation in South Asia

The International Labour Organisation (ILO) has, since its foundation in 1919, devoted an important part of its standard setting activity to the abolition of child labour. Unfortunately, national governments have only taken a few measures in the application of these laws. Today, child labour problem is getting the attention of all. This is because of a large number of children employed in hazardous industries and, secondly, because of lot of awareness among grassroots organisations, social movements in favour of abolition of child labour and so on.

No doubt, the opening up of the international market and the orientation towards a liberal market economy in developing countries has contributed to *defacto* changes in the hiring of labour, resulting in high demands for vulnerable workers such as women and children.

There is an upward trend in the number of children employed in hazardous occupations, more inhumanly in child prostitution, forced labour, and debt bondage. Developing countries are no doubt working towards eradication of this evil from their societies, yet, there seems to be some problems like lack of resources on their way. They argue that legislative measures are difficult to impose and cheap labour is needed for growth. The link between growth of informal sector, poverty and the emergence or persistence of child labour is very well known. It is also the same in this region.

Yet to remain content with these explanations is to ignore the nature of exploitation and the vested interests

that create and perpetuate informalisation and poverty itself.

It has been seen in some Western countries that increasing the minimum age of children for recruitment for jobs and abolition of employing children in hazardous occupations coupled with political will, reinforcement of family values, and active role by social organisations can contribute in eliminating child labour. The Christian Workers Movement (CWM) has decided to undertake a campaign on 'Child workers' to raise public awareness regarding the issues of child labour and child rights. This voluntary organisation has drawn up a common programme for South Asian countries with the purpose of sharing experiences and formulating strategies for abolition of child labour at regional level. In doing so, the CWM has mobilised hundreds of voluntary workers in different countries to build up personal relationships with child workers to give them hope for a better world.

Careful analysis, case studies and recommendations for action against child labour have been presented as far as the seven nations are concerned. This has turned out to be a movement engaged in supporting action programmes, based on substantial issues affecting the life of child workers. Through systematic reflection in small groups, CWM discovers its role and find inspiration to activities along with their partners to establish a new view of society based on justice, fraternity and peace. CWM concerns itself with the marginalised or informal worker, to end their isolation and total helplessness and to integrate them into society with dignity.

Sri Lanka's major industrial and agricultural enterprises do not employ children. Sri Lanka's achievements in the provision of education and welfare service are among the most impressive in the developing world. However, child labour continues to present a challenge in the country. Most children work in very informal sectors, in small unregistered concerns, in private homes or sometimes even in illegal enterprises. Children are concentrated in occupations in which wages are low, working conditions are

dangerous, workers rights are not recognised and labour organisation is absent. Also, the civil strike in Sri Lanka as exposes children to new dangers and more exploitative forms of labour. Child prostitution and the traffic in children for use as camel riders in the Middle East are among most recent forms of child labour.

The main thrust of public policy in Sri Lanka has been to allow a low (12 years) age threshold for admission to employment, while protecting older children by excluding them from certain specified occupations and regulating conditions of work. A distinction is made between prohibited, hazardous employment and permissible, non-hazardous labour which is controlled. In Sri Lanka, there is a need to complement the establishment of universal free education and the enforcement of labour legislation with a coherent welfare programmes.

The Sri Lankan population of 15.3 million as recorded in the census of 1981, belong to three major communities: the Sinhala, Tamil and Muslim. In all the three communities, poor children are viewed by their parents and other as crucial members of the household workforce.

Changes in Sri Lankan economy and society in recent decades have also resulted in the growth of child labour in a range of new activities, both exploitative and dangerous. A large number of children in Sri Lanka live and work in small unlicensed or unregistered concerns as hotels, tea kiosks, food and grocery shops, etc. However, legal prohibitions on employment of children under the age of 14 years in hazardous activities or in those which prejudice their education have effectively excluded them from formal employment in public sector. In an effort to combine education and employment, children are required to work extremely long hours outside school hours, often at night.

In manufacturing industry, plantation, agriculture, production targets are stringent and these places put severe strains on the workforce. The informally employed child labourers inhale pollutants such as tea, dust and industrial wastes, pesticides and other toxic substances. Children were also employed in large numbers in fishing industry until

recently. They were recruited by job placement agents to clean, salt and dry fish in fishing camps. They were kept in virtual slavery conditions, ill nourished, harassed, physically abused. However, an official raid in the fishing camp at Trincomalee led to the release of a group of boys. Recent evidence indicates that children are perhaps no longer employed in the fishing camps. Children are also involved in a number of illegal occupation as prostitution. The use of children in armed combat by military groups occurs as a result of the abduction and forced conscription of the young boys. There is evidence that some children have fled to the south or even to Europe to avoid conscription.

The interest of child welfare can be traced in part to the cultural ethos which holds that children are a source of adult fulfilment, to be loved and indulged. State policies on education, health and child care have helped to reduce child employment and counteract traditional perceptions of the child as an economic asset belonging to the family. The first welfare policy in Sri Lanka to affect child labour was the system of vernacular state education developed at the beginning of the 20th Century by the British for children from rural communities and the plantation sector. Pressure from some parents in rural communities to provide better equality education in English, which leads to securing an upward social and economic mobility, soon led to the creation of semi-vernacular schooling.

The children and young persons ordinance of 1939 was the first intervention focusing specifically on children and stated that no child under the age of 14 years could be employed in such a way as to prejudice schooling. The concept of universal free-education from primary to tertiary level was introduced in 1945. In the 1950's, the national languages became a medium of instruction in the secondary schools and universities. This along with the free education brought education to a wider population.

Provisions under the constitution facilitate the introduction of measures to prevent the exploitation of child labour. Thus, it can be used to implement radical reform in law and policy on child labour and remove certain existing

anomalies in labour legislation. The first legislation of child labour was passed in Sri Lanka in 1923 in line with the minimum age (Industry) convention, 1919, restricting child employment in industry. This existing legislation on child labour was revised in 1956 and included in the Employment of Women, Young Persons and Children Act. More recently, Sri Lanka has ratified the United Nations Convention on the Rights of the Child (1989).

A minimum age for employment 10 years was first introduced in 1927 in respect of plantation workers, which was later raised to 12 rather than 14 years. The government opposed a total ban on child labour under 14 years of age in the Employment of Women, Young Persons and Children Act, (1956), in the belief that a flexible policy was needed to accommodate the necessity of child labour among the poor. The present situation is that a minimum age for employment has been re-enacted. In the legal context, all work involving children under 12 years in considered hazardous.

The employment Act specifies that no child aged between 12 and 14 years can be employed to lift carry or move anything so heavy as to be likely to cause injury. The Shop and Office Employees Act (1954) states the child labour in shops, offices and hotels is for bidden, even during the day. Despite all this, there are obvious gaps in legislation. Employment of boys in mines is only indirectly prohibited, while employment of children between 12 and 14 years in quarries and transport does not appear to be covered at all.

Girls above 14 years are prohibited from underground work in mines. Boys under 16 are also prohibited from this type of work. Young people above 16 years can work 10 hours a day or an additional five and half hours a week. According to a special provision children between 14 and 15 years of age may not be employed in work at sea except with the written permission of the Commissioner of Labour. Young people between the ages of 14 and 18 years are allowed to work during the day in industry.

Considerable importance is attached to the regulations and their absence provides a rationale for failure to

implement statutory provisions. The importance given to the promulgation of regulations can also result in misunderstandings of the content of the law. The prohibition on the employment of children under 12 years has been removed from the statute and enacted in the form of a regulation. While this regulation is known and applied to the formal sector, the informal sector employees and public are largely unaware of it. The government has created several agencies to deal with children's problems in general. But there remain several serious obstacles to the implementation of a consistent policy in child labour. The failure of any single body to assume direct control in cases concerning child labour has been the major factor behind the inability to obtain any action in respect of child labour, child prostitution, child camel riding and child labour in fishing camps.

Child labour is one of the major human right violations in South Asia. As a part of UNICEF's mandate and duty to protect, promote and ensure the rights of children, the purpose of this study is to gain a better understanding of the laws which can potentially protect the rights of children from exploitation, specifically child labour laws. The study was conducted in two phases with the first phase being a documentation of Labour legislation from 1881 to 1995 in Bangladesh, India, Nepal, Pakistan and Sri Lanka. Legislation is limited for Bhutan and the Maldives. The second phase of the study set out to analyse regional patterns in terms of patriarchy, religion and the type of laws.

South Asia has a dual legal tradition: national Laws and customary laws. The first phase which examined the national labour laws, reveals a region which has a strong history of child labour legislations. Analysis was conducted by the development of a taxonomy which was used to trace the progression of the legislation. From 1881, there has been basic coverage for employment of children. Over the years, the legislation has progressed such that there has been an increase in the role and responsibility of the state; increase in the minimum age; increase in the coverage of sectors; specificity of processes and occupations; decrease in

the total work hours and size of unit; prohibition of night work; and increase in the number of exceptions, specifically dealing with family businesses. Regional differences and unique features in the laws were also noted.

Initially, the intent of the second phase was to analyse the differences in the legislation in the region by three explanatory variables: patriarchy, religion, and the type of the law. These variables were identified by Therborn in his study on the development of children's rights in western nations. Since the results of phase-I of the study revealed very little regional differences, the explanatory variables were merged with UNICEF's child survival, development and protection framework to form a framework for understanding child labour.

This proved to be useful, not only in demonstrating the universality of Therborn's explanatory variables but also raising awareness of the ideology that is at the root of child labour. The solutions are not only a matter of providing educational opportunities or improving the socio-economic structure—these must also involve changing certain patriarchal and religious attitudes and values. These attitudes and values support equitable control of resources resulting in misinterpretation of customary laws and providing very little incentives for the enforcement of national labour laws, which in turn give rise to care practices that destroy childhood for a large number of children.

With respect to laws, the analysis revealed that patriarchy and religion work strongly through the customary laws (that deal with family matters), which through the suppression of women perpetuate child labour. The major problem of the national labour laws is their lack of enforcement. This is in part because they do not hold any legitimacy for a practice that is reinforced by cultural traditions of patriarchy and religion. Customary laws take precedence and their legitimacy is permanently through nationalisation and fundamentalism rather than human rights. As Coomaraswamy concludes, human rights in South Asia have achieved legitimacy in conducting political life,

however, they do not hold the same legitimacy when it comes to community and family. This is in effect analogous to the split in the civil and political rights and the economic, social and cultural rights.

The foundation has now been set in order to take the next step of translating law into practice. Only then, will we be closer to eliminating child labour.

National Legislation and Child Labour in India

The Government of India has adopted Constitutional, statutory and developmental measures to deal with the problem of child labour. Several parts of the Constitution, directly or indirectly, prohibit the practice of child labour. However, the goals of the Constitution are far from being realised. Several laws have also been passed to deal with the problem of child labour. Despite these laws children continue to work in prohibited occupations and there is very little regulation of child labour in non-prohibited areas of work. This is largely due to ineffective implementation of child labour laws in India. The government has also launched developmental programmes for the benefit of child labour.

POST-INDEPENDENCE ACTION TAKEN

The origin of statutory protection of the child worker in India can be traced back to the Indian Factories Act, 1881. The Act prohibited employment of children under seven years of age and also in two separate factories on the same day. It limited the working hours of children to nine hours a day and stipulated that at least four holidays be given in a month. However, this Act covered only factories employing 100 persons or more.

The Indian Factories Act, 1891, increased the minimum age limit to nine years and the hours of work were reduced to seven hours for children between seven and 14 years. It also prohibited work at night between 8 p.m. and 5 a.m.

In 1901, the Mines Act was passed, which prohibited the employment of children under 12 years of age and employment dangerous to children's health and safety. In 1911, a new factories act was passed which reduced the working hours of children in factories to six hours a day. The Act prohibited work between 7 p.m and 5.30 a.m. by children. It further provided that all child workers should possess age and fitness for employment certificate. However, these measures provided very little protection to child workers. These measures were quite inadequate because they paid very little attention to the unorganised sector of industries.

The formation of the International Labour Organisation (ILO) in 1919 and the establishment of the All India Trade Union Congress (AITUC) in 1920 gave an impetus to reform laws relating to condition of labour in general and child labour in particular. During this period, measures were taken to give increased protection to children working in factories, mines and ports.

By the Factories Act, 1922, the scope of factory was extended to cover any premise where 20 or more persons were employed and mechanised power was used. The local governments were empowered to extend the provisions to any premise where ten or more persons were employed. This Act defined a child as a person who had not completed 15 years of age. It reduced the working hours of children to six and necessitated the granting of a half-an-hour interval for children employed for more than five-and-a-half hours. Children were required by this Act to have a medical certificate along with a certificate of re-examination for continuing work.

The Indian Mines Act, 1923, raised the minimum age for employment from 12 to 13 years in mines. The Indian Ports Act, 1931, prescribed the minimum age for employment of children in handling goods in ports as 12 years.

The Tea Districts Emigrant Labour Act, 1932, was passed to check the migration of labour to the tea-cultivating districts. One of its provisions laid down that no child under 16 should be employed or allowed to migrate to

districts with tea plantations, unless the child is accompanied by his parents or other adult relative on whom the child is dependent.

In 1933, the Children Act was passed which prohibited the pledging of a child for the purpose of getting certain work done. Factory legislation also underwent changes as a result of the Report of Royal Commission of Labour.

The Factories Act of 1934 evolved elaborate provisions regularising employment in respect of various age groups working in factories. It prohibited employment of children under 12, restricted employment of children between 12 and 15 years to five hours a day and imposed certain restrictions on children between 15 and 17 years.

In 1937, ILO adopted a convention fixing a minimum age at which children were to be employed in certain occupations. The Employment of Children Act, 1938, was passed to implement this convention. It prohibited employment of children under 15 in hazardous occupations like railways and ports. It also dealt with employment in industrial establishments not covered by the Factories Act.

ACTIONS TAKEN AFTER INDEPENDENCE

The Factories Act of 1948 prohibited the employment of children between 14 and 17 years at night, between 14 and 15 years for not more than four-and-a-half hours in any day. It lays down that a child cannot be employed in two shifts and cannot be allowed to work in more than one factory on the same day. The Act required workers between the age of 14 and 18 years to obtain a certificate of fitness from a certifying surgeon and periodic examination. They were not allowed to work on machines that are considered dangerous.

The Minimum Wages Act of 1948 specified that the expression adult, adolescent and child will have meaning assigned to them. It defined child as a person who has not completed his 15th year. However, this definition did not have any particular significance since the Act did not contain any important regulatory or prohibitory provision applicable only to child labour, except that it provides that in fixing or revising minimum rates of wages, different

minimum rates of wages may be fixed for adults, adolescents, children and apprentices.

The protection of children below the age of 14 years was incorporated in the Constitution as a guaranteed and enforceable right in Part III of the Indian Constitution dealing with fundamental rights. Under Part III, Article 24 states: "No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment".

Article 23 deals with child labour since it prohibits traffic in human beings and beggars and other similar forms of forced labour. It is relevant in this context since children constitute a substantial part of forced labour prohibited under Article 23.

The Indian Constitution also incorporating provisions relating to child labour in Part IV of the Constitution dealing with Directive Principles of State Policy. Under Part IV, Article 39, Clause(c) provides that the health and strength of workers, men and women and tender age of children should not be abused and the citizens should not be forced by economic necessity to enter vocations unsuited to their age and strength. Similarly, Clause(f) of the same Article states that the state shall, in particular, direct its policy towards securing that children are given opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 contains another directive which cannot be separated from the issue of child labour. It was laid down as far back as 1950 that the state shall endeavour to provide by the year 1960 free and compulsory education for all children until they complete the age of 14 years. The Government of India has not honoured this pledge even at the end of the century. Reading of Article 24, along with the guidelines contained in Articles 39 and 45, makes it abundantly clear that employment of children is prohibited by the Constitution.

The Plantations Labour Act of 1951, was passed to prevent the employment of children under 12 years in

plantations. In 1952, the Mines Act was passed, which prohibited the employment of children under 15 years in mines. An adolescent could be employed for underground work as adult on the satisfaction of two conditions. Firstly, he must have completed 16 years of age, and secondly, he must have a certificate of fitness from a surgeon. In 1954, the Factories Act was again amended to prohibit the employment of adolescents under the age of 17 years at night. By the Merchant Shipping Act, 1958, children under 15 were prohibited to be engaged or carried to sea to work in any capacity in any ship except in certain specific cases.

The Motor Transport Workers Act passed in 1961, to prohibit the employment of children under 15 in motor transport undertakings. In the same year, the Apprentice Act was passed for regulating and controlling of trainees. This Act was amended in 1973. The Act prohibited the undergoing of apprenticeship training of a person under 14. In 1966, the Beedi and Cigar Workers Act, was passed. It prohibited the employment of children under 14 in any industrial premise manufacturing beedis or cigars.

The Employment of Children Act of 1978 (Amendment), passed to extend the prohibition of employment of a child below 15 years in railway premises, such as cinder-picking or clearing of an aspect or building operation, in catering establishments at a railway station or in occupations relating to construction of a railway station or any other work done in close proximity to or between the railway lines.

The various laws mentioned above were either related to employment in general or were confined to certain specified employment. These laws were not passed with a focus on child labour in general but with reference to regulate employment in a particular industry as and when the need arose. In addition to these laws the states passed various shops and commercial establishment acts for their respective states.

The problem of child labour has been a subject for various committees and commissions. In 1968, a National Commission on Labour Welfare was instituted, which

observed that child labour was an economic problem and its practice amounted to a denial of opportunity to children for their proper physical development and education. The Commission noted that although the economic difficulties faced by the poor and their children were real, it was necessary to provide children education in their more receptive years. It recommended combination of work with education and flexible employment hours which would not inhibit education.

The National Children's Board established in 1975, to create greater public awareness towards the needs of children and to plan and review periodically the progress made in protecting and promoting the welfare of children, including working children.

The Harban Singh Commission of 1976, employed by the government to investigate the problems of child labour in various factories and industries in Ramanathapuram district of Tamil Nadu, reported that 40 to 45 per cent of the total labour force employed in the match industry are children. Girls outnumber boys by three to one. Children are employed longer than the stipulated hours of work, namely, four-and-a-half hours per day. The children spend nearly 16 hours away from home. Accidents are a common occurrence in the area. The provisions of both the Factories Act and Employment of Children Act are being violated with impunity.

The Commission admits that factory owners face only nominal punishment if caught violating the provisions of the above acts. Accepting that banning child labour would not necessarily result in the stoppage of work by children altogether, the report suggests that working hours should be reduced, wages increased and coupled with incentives for production. However, none of the conclusions and recommendations suggest radical measures to end the scourge of child labour.

Child Labour Act, 1986

The Child Labour Act of 1986 repealed the Employment of Children's Act, 1938, but repealed its Schedules A and B. All rules made in this Act were in addition to the Factories

Act, 1948, the Plantation Labour Act, 1951 and the Mines Act, 1951. The Act was passed to prohibit the employment of children in hazardous jobs and to regulate the conditions of work for children in other jobs of non-hazardous nature. The Act bans the employment of children, that is, a person who has not completed his fourteenth year of age, in occupations connected with:

- i) Transport of passengers, goods or mail by railway,
- ii) Cinder picking, clearing of an ash pit or building operation in the railway premises,
- iii) Work in catering establishment at a railway station,
- iv) Work relating to the construction of a railway station or when any work is done in close proximity to or between the railway lines,
- v) A port authority within the limits of any port.

The Act bans the entry of children in the following processes: beedi making; carpet weaving; cement manufacturing including bagging of cement; cloth printing, dyeing and weaving; manufacture of matches, explosive and fireworks; mica-cutting and splitting; soap manufacture; tanning; wool-cleaning; building and construction industry.

The government also prohibited employment of children in the following occupations and processes: works relating to selling of crackers and fireworks in shops with temporary licences, abattoirs slaughter houses; manufacture of state pencils, manufacture of products from agate, manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos; hazardous processes as defined in Section 2 and dangerous operations as notified under Section 87 of the Factories Act, 1948; printing; cashew and cashewnut descaling and processing and soldering processes in electronic industries.

The conditions of work of children in employment where they are not prohibited from working are regulated by the Act. It lays down that no child shall be allowed to work more than six hours per day with a rest interval for at least one hour after three hours of work. Every child employed in

an establishment shall be given a weekly holiday. No child will be allowed to work between 7 p.m. and 8 a.m. and no overtime will be permitted.

According to the Act the government can make rules for the health and safety of children who are permitted to work in any establishment. These rules provide for matters like cleanliness, ventilation, disposal of waste, dust and fume, lighting, drinking water, sanitary facilities, safety precautions, etc.

The Act provides for more stringent penalties for violation of the Act. It provides that whoever employs a child in contravention of Section 3, that is, in prohibited employment, shall be punished with imprisonment of not less than three months but which extends to one year or with fine which shall not be less than Rs. 10,000 but which extends to Rs. 20,000 or both. For other violations, that is, violation of regulatory provisions, the punishment laid down is imprisonment of one month or imposition of fine up to Rs. 10,000 or both. It also provides that any person, besides a police officer or an inspector, can file a complaint regarding commission of offences.

The Act restricts the definition of family to parent, children, brother and sister as against the much broader definition of the 1938 Act. Section 3 of the Act also does not prohibit the employment of children in hazardous occupation or processes provided the process is carried out by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from the government. This provision is susceptible to abuse. It has offered protection to several carpet-weaving units, match units, glass units, etc., to continue exploitation of children under the guise of the family. Moreover, once an occupation or process has been identified as hazardous for children, there is no justification or rationale in exempting family-based units from employing children.

The Act does not include industries like lock industry, balloon industry, pottery industry and several others in its list of prohibited occupations and processes even though children are forced to work in these industries with

dangerous chemicals and machines. The agricultural sector, which constitutes 80 per cent of child labour, also appears to be outside the regulatory reach of the Act. This Act also does not specify the minimum age of employment of children in occupations and processes other than the prohibited ones.

The 1986 Act omits Section 3(13) of the Employment of Children Act, 1938, requiring that a notice be sent to the inspector before any of the prohibited processes are started in any workshop, regarding the name and situation of the workshop, the name of the person in actual management the address for communication, and the nature of processes to be carried on in the workshop. As a result of this omission, the burden of tracking down such processes is now shifted to an understaffed and ill-equipped labour inspectorate or private individuals. The provision of a mandatory notice would have acted as a deterrent to some extent against employing children.

Enforcement of labour laws in unorganised sector seems difficult because the units are unregistered and large in number and scattered over a wide area. The number of labour inspectors is also extremely low. There are other practical problems as well. When the inspectors visit an area where there is a concentration of units employing child labour, they may find children physically present and at work only in the first one or two units visited. In all the other units child workers are made to disappear or hidden away on learning of the inspectors visit. Where the inspector does manage to find children employed in a particular establishment in violation of the law and takes up prosecution, he then faces many legal difficulties. When the unit is small, the claim often made in court is that the child workers are the children of the family and are therefore covered by the exemption under the Child Labour Act. In other larger units, it is often claimed by the employer that the children are present only for the purpose of meeting their parents or bringing their lunch, etc.

Since there is usually no documentary evidence to prove that the child is working in a unit, prosecution becomes

difficult. Another aspect, crucial in prosecution, is the age of the child. Most laws relating to child labour specify the minimum age of entry into employment to be 14 years. However, since birth certificates are not common in the rural areas or among the poorer people in India, a medical certificate of the child's age is required to be kept by the employer. Where this is not available, the inspector has to get the child medically examined at the employer's cost.

The prevailing attitudes and perceptions of the parents of working children, employers, lawmakers, law-enforcer's and society at large is another significant reason responsible for lack of enforcement of child labour. It is widely believed that there is nothing wrong in employing children, it in fact helps to alleviate the poverty of the child's family and helps impart skills to children for their future lives.

Children continue to work in prohibited occupations, inspite of all these laws, and there is very little regulation of child labour in non-prohibited areas of employment. One of the major reasons appears to be ineffective implementation of child labour laws in our country. Over the years there has been a shift in the employment of children from the organised sector into the unorganised sector.

Owners of small-scale establishments keep the number of workers employed by them below ten so that their establishment does not fall within the purview of the Factories Act, 1948 or let out or subcontract several processes to family-based units since the 1986 Act exempts such units. This is common in several industries such as match industry of Sivakasi, glass industry of Firozabad and carpet-weaving industry of Mirzapur.

ACTION BY LABOUR MINISTRY

In 1979, the Ministry of Labour appointed a 16 member Committee under the Chairmanship of M.S. Gurupadswamy to investigate the causes leading to child labour and examine the problems arising out of the employment of children.

The Committee made an indepth study on the nature and extent of the problem, adequacy of existing laws and

the supportive measures necessary to help the working children and eliminate child labour in the long run. The Committee formulated a questionnaire to elicit information on the various issues connected with child labour from the public, MPs and state legislatures, representatives of trade unions, employers organisations, prominent social workers, university teachers, education experts, etc. The Committee noted that:

“Existing situation in respect of child labour in India can still be summarised as one of continuing drift. Though there is little evidence of children, at work in the organised sector of industry in certain pockets of the country, the overall position is as had been observed by the Whitley Commission nearly 50 years ago. Bulk of the children continue to be employed in the rural environment. While most of them work without wages, there is an increasing number amongst them of children employed for wages and also of many working on jobs which are hazardous. They handle dangerous chemicals (pesticides, fertilisers, etc.) and they are also employed on machines with sharp edges and blades. Definite efforts are called for to prohibit their working in such occupations. Quite a large number of children residing in rural areas are also employed in cottage industries where again the regulation by law is minimal, and the positive adjuncts which ought to be there to help the working children are not at all institutionalised. There is still large scale migration of children from rural areas to urban areas. These children take to employment in smaller establishments in cities under varying exploitative conditions. The regulation by law of employment of children covers only fringe of these occupations and ironically even where regulation has been sought the enforcement is extremely half-hearted and tardy.”

The Committee observed that the existing legal framework for employment of children is dispersed and patchy. This has been one of the prime reasons for a missing focus in the efforts which have so far been made to regulate the employment of children in some of the sectors of economic activity. The Committee was unable to locate in most cases, the precise rationale for the varying definitions

of the term child for the purpose of employment. Of the 10 major Acts which include provisions relating to employment of children, five have defined child as below 15 years of age, three provide for the age of 14 and one provides the ages between 12 and 14.

The Committee also noticed variations in the adoption of some Acts by different state governments. The reference to employment of children in many of these enactments is so mixed up in the quagmire of other matters and requirements that the kind of emphasis which is intended in respect of children is more or less lost. In most cases data on child labour was not forthcoming from state governments. There was hardly any administrative mode available of any prosecution having been made for violation of the provisions in Acts relating to employment of children.

The Committee strongly put forth the view that there is a paramount need for urgent action on the part of the government to bring the law relating to children in proper focus. To avoid any ambiguity in respect of the basic objectives in this direction, it called for consolidation of existing laws relating to prohibition and regulation of employment of children into a single comprehensive one. The new legislation should adopt uniform definitions of the expressions child and adolescent and prescribe hours of work, conditions of work, etc.

The Committee recommended that the minimum age for entry to any employment should be 15. The new law should also have the flexibility of extending to other occupations, such as, mechanised agriculture, horticulture, forestry, fisheries, etc. It emphasised that enactment of a law is only a first step. What is really important is its enforcement.

The Committee found several inadequacies in the existing set-up for the implementation of various laws. It reiterated that the task of enforcement cannot be entirely handled by the government machinery. It called for greater involvement of the society at large and voluntary organisations and trade unions in particular. It also called for more stringent penalties for violation of provisions relating to child labour. It recommended the constitution of

advisory boards both at the centre and state levels to keep a constant surveillance on the conditions of working children.

Various supportive measures were suggested by the Committee to deal with the problem of child labour. These included removal of poverty and unemployment, ensuring minimum wages, meaningful education policy whereby the curriculum takes note of the actual environmental needs, medical and health support, providing supplementary nutrition to working children, housing facilities, recreation and cultural activities and protection from health hazards.

The Central Advisory Board on Child Labour was set up in March, 1981, in pursuance of the recommendation of the Committee, to review the implementation of existing legislation, suggest legislative as well as welfare measures for working children, review the progress of welfare measures for working children recommend the industries and areas where there must be a progressive elimination of child labour.

NATIONAL POLICY

Legislation alone would not be sufficient to deal with the problem of exploitation of child labour. The government announced a three-prolonged National Policy on Child Labour in August 1987. The action plan of this policy has been set out under the following headings:

- i) legislative action plan;
- ii) general development programmes; and
- iii) project-based plan.

Legislative action plan

Under the legislative action plan a child labour technical advisory committee has been set up to advise the central government on addition of occupations and processes to the schedule contained in the Child Labour (Prohibition and Regulation) Act, 1986. The provisions of the Factories Act, 1948; the Mines Act, 1951 and the Child Labour (P and R) Act, 1986 are to be enforced to ensure that children are not employed in hazardous employment and to regulate their

work in non-hazardous employments. The state and central government departments are to review the situation in order to ensure that child labour is not employed in prohibited occupations and in nonprohibited employments the provisions get out for their health and safety, for the maintenance of registers and for regulating the period of work or overtime or of weekly holidays and days of rest are enforced in all establishments.

General development programmes

Since national development programmes exist with very wide coverage, in order to have an impact on child labour it was decided to focus general development programmes for the benefit of child workers in areas such as education, health, nutrition and coverage by anti-poverty programmes. The national education policy aims at universalising primary education by the year 2000 through an expansion of formal and non-formal education system.

Non-formal education centres for child labour are to be set up with the involvement of voluntary agencies and panchayati raj institutions. Non-formal education centres are expected to play an important role in enrolling and retaining working children, particularly girls. Part-time and vocational courses will also be imparted at these centres. Such non-formal education centres for working children would aim to educate children up to class V level, with arrangements for continuance of non-formal education up to class VIII level wherever possible.

Incentives and assistance will be given to child labour belonging to disadvantaged classes like SC/ST families whose children work for wage quasi-wage employment. There is a provision of micro planning for non-formal education centres for child labour, especially for those belonging to disadvantaged sections. Efforts will also be made to link the non-formal educational institutions with open schools or with the formal education system in order to enable working children to continue their education.

State governments will be recommended to undertake intensive medical inspection of children in those areas

where child labour is prevalent. The state governments will be persuaded to extend the coverage of the school health services programme to child labour. There is also provision to arrange for health screening at non-formal education centres for child labour. Families which have child labour will be included in poverty-alleviation programmes to enable them to raise themselves above the poverty line. Proposals from state governments, non-governmental organisations and voluntary organisations for taking up nutritional and other programmes in child labour areas will be funded on a priority basis.

Project-based plan

Under project based plan, specific sectors of employment, where the incidence of child labour is high have been identified. They are the following:

- i) Matches industry in Sivakasi, Tamil Nadu
- ii) Diamond polishing industry in Surat, Gujarat
- iii) Precious stone polishing industry in Jaipur, Rajasthan
- iv) Glass industry in Firozabad, Uttar Pradesh
- v) Brassware industry in Moradabad, Uttar Pradesh
- vi) Handmade carpet industry in Mirzapur-Bhadoi, Uttar Pradesh
- vii) Lock industry in Aligarh, Uttar Pradesh
- viii) Handmade carpet industry in Jammu and Kashmir
- ix) Slate industry in Mandsaur, Madhya Pradesh
- x) Slate industry in Markapur, Andhra Pradesh
- xi) Carpet weaving industry in Garhwa, Bihar
- xii) Beedi industry in Sambalpur district, Orissa
- xiii) Brass industry in Jamnagar, Bihar
- xiv) Agriculture and chemical industry in Thane district, Maharashtra.

The National Child Labour Project (NCLP) aims is to reduce the incidence of child labour in the project area, thereby encouraging the elimination of child labour progressively. In each of the project areas the strategy is to evolve a package comprising the following elements:

- i) Stepping up the enforcement of Child Labour Act, 1986 and the Factories Act, 1948.
- ii) Coverage of families of child labour under the income employment generation programmes under the overall aegis of anti-poverty programmes.
- iii) Where there is a concentration of SC/ST families with child labour, a concentration of special component and tribal sub-plans by the state governments in each project area.
- iv) Formal and non-formal education of child labour and adult education of the parents of the working children.
- v) Coordinating the activities of different departments/ministries of the central and state governments to benefit child labour.
- vi) Setting up of special schools for child workers together with provisions of vocational education/training in such special schools, supplementary nutrition, a stipend for the children taken out from prohibited employments and health care for all children attending such special schools.

For initiating a new NCLP in any industry, the concerned state government is required to submit a detailed proposal to the central government. A Central Monitoring Committee has been set up for overall supervision and evaluation of various child labour projects under the National Child Labour Policy. Representatives of concerned central ministers/state governments and projects are included in the Committee.

Since 1981-82, the Ministry of Labour has been financing voluntary organisations by way of grant-in-aid for taking up action-oriented projects for the benefit of child labour and women labour. Voluntary agencies are being financially assisted to the extent of 75 per cent for taking up welfare projects for working children under the grant-in-aid scheme. During 1994-95, financial assistance was given to 11 voluntary organisations in the field of child labour for implementation of projects for the welfare of working children to provide non-formal education, supplementary nutrition, health care and vocational skills/training.

The project-based plan of action does not cover several areas and industries where the incidence of child labour is high and the working conditions hazardous. Among such industries are:

- i) Balloon industry of Dhanu district, Maharashtra
- ii) Zari Industry of Lucknow and Delhi
- iii) Pottery industry in Khurja
- iv) Powerloom industry of Bhiwandi, Mumbai, etc.

The scope and implementation of the project-based plan of action has left a lot to be desired. The first phase of the project-based plan was expected to cover 30,000 working children. However, so far only 14,800 children have been covered under the twelve NCLP projects under implementation in eight states. A major activity undertaken under the NCLP is establishment of special schools to provide basic facilities like non-formal education, vocational training, supplementary nutrition, etc., to the children withdrawn from employment.

Sivakasi National Child Labour Project

The Sivakasi National Child Labour Project had not achieved much success in eliminating child labour from the industry. Though the main thrust of the project was to reduce the incidence of child labour, the number of working children has not perceptibly decreased in the past few years. Inspections by factory inspectors have made an impact in reducing child labour from the bigger factories. However, a large number of children continue to be employed in the smaller units to which the Factories Act does not apply. Despite the shortage of inspectors, however, the number of inspections and prosecutions have increased.

In the period from 1987 to 1992, 107 prosecutions were launched, in 1993, 66 prosecutions were launched and up to 30 June 1994, 64 prosecutions were launched. While the earlier prosecutions all ended in acquittals, several cases in the recent past have ended in conviction. However, only the minimum penalty has been imposed.

In the area of non-formal education, 100 non-formal education centres were started but were subsequently

wound up. The only activity that has been taken up under non-formal education is the establishment of special schools. There were 26 special schools with 1,800 children being run by 11 voluntary organisations up till March 1994. The number of special schools has since increased to 33 and the number of children to 2150. Between 1988 and 1994, 1,313 children passed out of the special schools, out of whom 714 were enrolled into formal school.

While there is no doubt that the individual children studying in the special schools have benefited as a result of the special schools, the schools do not appear have to have had an impact on the overall problem of child labour since the numbers by all accounts have not decreased. The reason may lie in the smallness of the effort compared to the magnitude of the problem and the fact that a simultaneous drive on the formal school front was not taken up.

Mirzapur National Child Labour Project

The National Child Labour Project in the carpet industry of Mirzapur concludes that special schools, a key component of the National Child Labour Project (NCLP), have not made an impact on the overall numbers of working children in this industry. The children withdrawn from the industry and placed in special schools have been replaced by others, particularly migrant child labourers. In terms of composition of the beneficiaries of the programme, a majority of children enrolled in the special schools had been working in a family setting and not as hired labour.

Markapur National Child Labour Project

The National Child Labour Project of Markapur, Andhra Pradesh, also does not appear to have achieved much success in achieving its objective of elimination of child labour from the slate industry. A major shortcoming is the lack of a project document meant exclusively for Markapur. Enforcement of relevant acts prohibiting employment of children is extremely poor. No information is available on inspections and prosecutions for employment of children under the Mines Act or Factories Act.

As regards the employment and income support activities are concerned, it was reported in a study done by

the University of Hyderabad that 150 child labour families had been identified for grant of bank loans for self employment schemes. It appears, however, that none of these persons received the loans. No concerted effort appears to have been made by the project management to ensure that child labour families were covered under income generation schemes.

Under the formal and non-formal education scheme, the project document envisaged the establishment of 20 special schools for child workers removed from work and opening of additional primary schools. In all 13 special schools with a total strength of 1,000 children have been started under the NCLP; 400 of the children are in a residential school and 600 children in 12 day schools. The special schools follow the formal school syllabus, and have not, so far, introduced any novel or innovative teaching methods. It has, however, a good vocational training programme.

TASK FORCE

On the recommendation of the Central Advisory Board on Child Labour, a task force on child labour was instituted under the Chairmanship of Dr. L. M. Singhvi to recommend the institutions and mechanisms necessary for implementing the Child Labour (Prohibition and Regulation) Act, 1986 and Legal Action Plan contained in the NCLP. The task force submitted its report in December 1989. The recommendations of the task force comprise three categories.

i) *General recommendations:* The task force made 11 general recommendations. Chief among these are:

- Highest priority must be accorded to the child. To accomplish this there should be a joint committee of the houses of parliament and similar committees in state legislatures to represent the unrepresented constituency of the child.
- There should be a single ministry or department for child welfare at the centre and states in order to reduce the existing multiplicity of authorities to the minimum and optimising operational coherence and coordination.

- There should be a statutory system of Child Labour Ombudsman or Child Labour Commission entrusted with the task of investigation, resolution of grievances and disputes and giving authoritative directions to employers and others.
 - A child code, including within its scope a child labour code, must be formulated. Such a code would reflect the vision of goals as well as long-term and immediate strategies.
- ii) *Recommendations on the child labour (P and R) Act, 1986:* The Task Force made the following recommendations with respect to the Act of 1986:
- A timetable with mandatory outer limits for Act to come into force should be provided in the Act.
 - A uniform definition of child with reference to age is useful. However, the lowering of age limit from one to 14 in certain occupations by the 1986 Act is undesirable. 15 to 14 in certain occupations by the Act is undesirable.
 - An enabling provision should be enacted to Section 3 of the 1986 Act to check malpractices employed in the exploitation of child labour under the guise of an occupier carrying a process with the aid of his family or children Producing goods in schools receiving assistance or recognition from government.
 - Maximum Permissible Punishment should be increased to simple imprisonment up to three months and the maximum Permissible fine which may be imposed should be increased to Rs. one lakh with a proviso that in case of a second or subsequent conviction a sentence of imprisonment shall be mandatory.
- iii) *Recommendations on the National Policy on Child Labour:* With respect to the National Policy and Action Plan the Task Force recommended that a White Paper should be published explaining the historical background, analysing the present situation, giving reliable statistical and other data and projecting its own

perceptions and policies in terms of targets, allocations and types of programmes and other activities it has envisaged. It also called upon the government to provide proper educational and vocational training facilities. While seeking to prohibit and regulate child labour, the task force emphasised that one of the most important prerequisite for the success of any child labour policy is a massive national programme for public civic education on child labour. According to the Task Force report, it is necessary that public opinion is created and Public interest is sustained in respect of the problems of child labour.

In 1994, the then Prime Minister P. V. Narasimha Rao made a call to eliminate child labour in hazardous employments by the year A.D. 2000. Following the call made by the PM, the National Authority for Elimination of Child Labour, headed by the Union Labour Minister, was constituted on 26 September 1994 and Rs. 850 crore have been earmarked for schemes to eliminate child labour in hazardous employments.

This programme, however, appears to be extremely unrealistic since it hopes to covet two million children in five years. The programme has made little headway because of a resource crunch and an ongoing tussle between the ministries of labour and human resource development over the issue of setting up special schools. The programme envisaged that two million children working in hazardous occupations would be withdrawn and rehabilitated in a five-year period through special schools having facilities such as nonformal education, vocational training, stipend, nutrition and health checks.

SUPREME COURT'S JUDGMENT

The Supreme Court on December 10, 1996 directed that all offending employers must pay a compensation of Rs. 20,000 for every such child, under the provisions of the Child Labour (Prohibition and Regulation) Act, 1996, in order to check exploitation of child labour in hazardous industries. The court stated:

The inspectors, appointed under Section 17 of the Act would see that for each child employed in violation of the Act, the employer concerned pays Rs. 20,000 which would be deposited in a fund known as the Child Labour Rehabilitation-cum-Welfare Fund. The liability of the employer would not cease even if he would desire to disengage the child presently employed by him.

According to the court the income generated from the corpus funds would be used to assure the child's education in a suitable institution with a view to making him a better citizen. The court has also asked the state to see that an adult member of the working child's family get a job in lieu of the child's job. In case this was not possible a sum of Rs. 5,000 should be contributed to the fund for each child, the court said. Employment given or payment made would cease if the child is not sent by parents to school.

The court's order identified nine major industries as hazardous. They include the match industry of Sivakasi; the diamond polishing industry of surat, the precious-stone polishing industry of Jaipur; Ferozabad's glass industry; brassware industry of Moradabad; the handmade carpet industry of Mirzapur-Bhadoi; lock industry of Aligarh and the slate industry of Markapur, A. P. and Mandsaur, M. P.

The court noted: "We have the fond hope that the closing years of the 20th century will see us keeping the promise made to our children by our constitution about half a century ago".

Recalling Rabindranath Tagore's memorable lines from the Gitanjali, the court hoped: "Let the child of the 21st century find himself into that heaven of freedom".

The court said that unless an alternative source of income was assured to the family, the question of abolition of child labour would really remain a will-of-the-wisp. Noting that creating employment for a large number of adults would strain the state's resources. The court directed the states to conduct a survey on child labour which was to be completed within six months. The Secretary to the Minister of Labour, Government of India, was required to appraise the court within one year about the compliance of

the directions. The court has held labour inspectors responsible for ensuring that children withdrawn from hazardous industries are provided proper education, in jobs of non-hazardous nature, inspectors are responsible for ensuring that children work for not more than six hours a day and receive education for at least two hours each day and cost of education should be borne by the employer. The court's judgment was based on a report by a three-member legal experts committee headed by Supreme Court Bar Association president R. K. Jain which inspected the hazardous fireworks industry in Sivakasi.

The court's judgment is an important step in dealing with the problem of child labour. However, the court directive is not an answer to the problem of child labour since eradicating undesirable practices by law is generally ineffective in India, as witnessed from the poor record in implementation of existing laws, directives and conventions on the subject. It will be difficult to implement the order because most children in the hazardous industries work in the unorganised sector.

ROLE OF ILO

Two ILO projects, namely, the International Programme on the Elimination of Child Labour (IPEC) and the Child Labour Action and Support Programme (CLASP) are being currently implemented under the technical cooperation programme of the ILO. The IPEC programme is global in scope and provides technical advisory services to all ILO members on request. The programme seeks to eliminate child labour by stimulating governments to establish and apply national policies and laws in line with international standards on child labour, launching programmes to protect and rehabilitate child workers which will serve as models for replication; generating a climate of awareness, concern and demand for action regarding child labour.

A Memorandum of Understanding (MoU) on IPEC in the second quarter of 1992 was signed by the ILO and the government of India, reaffirming that national efforts in the country would be aimed at the eventual elimination of child labour and that this objective could be attained only

through vigorous action by state governments, involvement of NGOs and trade unions.

IPEC in India pursues the goal of progressive elimination of child labour through a comprehensive approach based on the ILO Convention No. 138. The direct target groups of the IPEC are:

- i) Bonded child labourers;
- ii) Children employed in formal and informal manufacturing sectors, for example, factories, industrial enterprises, cottage industries, home production, etc.;
- iii) Children working in agricultural sector; and
- iv) Children working in commercial trade and services industries, for example, street vending, restaurants, garbage collection, etc.

A National Steering Committee with representatives of employers organisations, trade unions and NGOs and with the Secretary, Ministry of Labour, Government of India, as Chairperson has been established by the Ministry of Labour. Its function amongst others is to select action programme proposals for inclusion in the national programme under IPEC. Assistance is provided to NGOs for undertaking flexible programmes suiting local requirements.

The highlights of the IPEC programme in India are the following:

- i) Release and rehabilitation of bonded child labourers and children working in hazardous and abusive circumstances;
- ii) Raising public awareness against child labour;
- iii) Assisting in policy making at the national and state levels;
- vi) Training NGOs on the design, management and evaluation of child labour projects;
- v) Training of labour and factory inspectors on enforcement of child labour laws;
- vi) Sensitising employers and employers' organisations against child labour;

- v) Enrolling working children in regular schools after weaning them away from the workplace;
- vi) Activising dysfunctional and non-functional government schools in areas where working children are concentrated;
- vii) Sensitising trade unions, their leaders and their worker members on child labour; and
- viii) Eliminating child labour in selected areas and workspots.

Another Memorandum of Understanding (MoU) was signed by the Labour Ministry and the ILO on January 29, 1997 for the continuance of IPEC beyond December 31, 1996. The allocation under the programme since its inception has been of the order of \$4.15 million. A total of 118 projects benefiting over 81,000 children in 15 states have been implemented with IPEC assistance through trade unions, employers' bodies and NGOs. It has been alleged the IPEC funds are being used badly and the project has degenerated into an educational programme from being an initiative to abolish child labour. There is an overlap between IPEC's child labour projects and the government's NCLP initiative of 1987.

The NGOs say that IPEC's very name states its aim as child labour elimination. So it should leave welfare activities to the government and concentrate on more radical agenda. The government's own initiative of 1987 includes non-formal education for working children, nutrition and a small stipend for children working in hazardous industries. The NGOs say that since the government and multilateral agencies are already funding this exercise, there is no reason for doing more of the same the IPEC money.

However, ILO officials insist that IPEC is a demonstration programme, aimed only at showing what can be done about the child labour problem. The idea is to make myriad interventions by enhancing enforcement officers' skills, creating awareness, offering non-formal education for child workers and so on. Besides, ILO officials claim that about half the children directly targeted by IPEC have stopped work.

CLASP, the other ILO programme, originated in response to the initiatives taken by the Indian government in the mid-1980s to deal with the problem of child labour. With the passing of the Child Labour (P and R) Act, 1986, and the adoption of NCLP in 1987, there was a sudden spurt of child labour activities in the country resulting in an increased demand on the government to provide technical expertise and leadership in the matter.

The ILO felt that it could play an important role in strengthening the technical expertise and capacity of the government in tackling the problem of child labour. The programme is aided by the Government of Germany. The agreement between the German government and the Government of India was signed in November 1992 and CLASP became operational thereafter.

The CLASP's aim is to enhance the central government's policy, planning and implementation capacity; to increase its capability to provide support for ongoing and future projects by state governments and NGOs; mobilise greater support and sustain a community-wide movement on behalf of working children; and facilitate a more efficient use of government resources. Assistance taken under the programme is used for the purpose of supporting ongoing activities under the NCLP.

Important activities undertaken under CLASP are the following:

- i) Conduct of baseline surveys in NCLP areas;
- ii) Establishment of data bank on child labour;
- iii) Conduct of project design workshops;
- iv) Preparation of project documents for new NCLPs;
- v) Preparation of guidelines for NCLP managers;
- vi) Preparation of guidelines for labour inspectors;
- vii) Training of teachers, state government officials;
- viii) Organisation of study tours for child labour elimination functionaries to NCLP areas;
- ix) Conduct of seminars for officials and NGOs;
- x) Preparation of model education curricula for special schools under NCLP;

- xi) Development of pedagogic methodologies;
- xii) Production of appropriate materials; and
- xii) Undertaking study of the utility of vocational training amongst children.

From the beginning of the project, several workshops have been held. The first of these was a consultation workshop held in September 1993 on curriculum development for non-formal education. In January 1994, a workshop for training of teachers' trainers was held to arrive at a common training format for training the teachers of the special schools for child workers in the NCLP. A workshop on design, management and evaluation of NCLP was held in Mandsaur, Madhya Pradesh, in July 1994 to assess the progress made on the Mandsaur NCLP and give it fresh directive. When CLASP was conceived as a project, it was not foreseen that another ILO project, IPEC, would come into operation. As a result, there are several activities of project that overlap.

ROLE OF UNICEF

The United Nations International Children's Emergency Fund (UNICEF) has also been assisting the Indian government to deal with the problem of child labour, UNICEF acknowledges the need to seriously address child labour as a key component of its policy to advocate implementation of the Convention on the Rights of the Child and achievement of goals for improving the development and well-being of children. UNICEF believes that child labour can be eliminated if appropriate policies are implemented.

According to UNICEF policy, child labour can be eliminated in a phased manner and within a specified period of time. The initial focus should be on the elimination of child labour in hazardous industries, in prostitution and the elimination of bonded child labour, as children working under such conditions are immediately at risk. UNICEF India believes that the main strategy to eliminate child labour would include strong legislation and its enforcement, specific measures to release and rehabilitate children from

labour, accompanying social policies, such as education and rural development, and activities to raise public awareness on the issue of child labour.

UNICEF assists central and state governments to develop and implement programmes and action plans for the release and rehabilitation of children from labour in various industries and occupations. In addition to supporting government programmes on child labour, UNICEF also seeks to develop and strengthen alliances with NGOs, industry, external agencies, trade unions, media and academics to promote the elimination of child labour. It focuses on programmes to rehabilitate children released from labour into the educational system and to improve the livelihoods of their families through support from anti-poverty programmes.

Through its state offices, UNICEF seeks to provide assistance in key states for the development of intersectoral programmes for the release and rehabilitation of child labourers. UNICEF recognises that reliable data is required to assist advocacy and monitoring in the context of child labour. UNICEF has provided financial assistance under a master plan of operation for child labour programmes. UNICEF supports the Child Labour Cell, established at the National Labour Institute for monitoring and research activities.

EFFECTS OF INTERNATIONAL PROGRAMMES IN INDIA

The Indian government has come under pressure to deal with the problem of child labour from Western countries, particularly the USA and Germany. There has been a campaign in the West to ban the import of products produced by children. The carpet industry of India, which employs a large number of children, has become the focal point of this campaign. The ILO has been promoting protective action in respect of working children through the mechanism of international labour standards in the form of conventions and recommendations. These conventions are expected to act as benchmarks for member countries of ILO.

The ILO has so far adopted 14 conventions relating to child labour. India has so far ratified six of the conventions.

India ratified the Convention on the Rights of the Child in November 1992. Though India has ratified six ILO conventions, it has not implemented its commitment to the principles contained in these conventions.

The Western nations are demanding a label system for guaranteeing that carpets and other products are not made by children. This has come as a big blow to the export-oriented industries which employ children on a large scale, particularly the carpet industry. Toward off a ban on Indian carpets, the Indian government has announced the Kaleen label, offered to carpets made without child labour.

However, NGOs in India have dismissed the Kaleen label on the ground that a government-backed certificate would be unconvincing. They have set up the Rugmark label, which comprises representatives from the carpet industry, South Asia Coalition on Child Servitude (SACCS), the Carpet Manufacturers Association without Child Labour, the Indo-German Export Promotion Project (IGEP) and UNICEF.

The Indian Commission on Labour Standards, created in August 1994, has suggested that instead of a flat rejection of a linkage between labour standards and trade or a complete surrender, India should press rich industrialised countries to help funds the costs of wiping out child labour by the turn of the century.

India needs to take constructive steps to end the exploitation of children. The government of India has adopted constitutional, statutory and developmental measures to deal with the problem of child labour. Several parts of the Constitution, directly or indirectly, prohibit the practice of child labour. However, the goals of the constitution are far front being realised. Several laws have also been passed to deal with problem of child labour. However, despite these laws children continue to work in prohibited occupations and there is very little regulation of child labour in non-prohibited areas of work. This is largely due to ineffective implementation of child labour laws in India.

Child Labour and Human Rights Violations

India continues to be in the stranglehold of child labour even after five decades of planned development. The fact remains that there are more than seventeen million child labourers in India which include two million working in hazardous industries. There are also lakhs of children working as domestic servants in almost bounded labour like conditions where they are exploited by their employers and have to work for ten to twelve hours in an unscheduled manner.

In the sector of industries like the carpet industry, matches industry, fire works, diamonds and glass, child labourers are being exploited to maximum extent, so that their employers could gain maximum profit from them. These are few instances of the many ways in which the innocent children are being abused and exploited by our industrialists, as these children are helpless and they are non-important as vote banks for the government. Thus hardly anybody in the corridors of the power care to know or listen to the grievances of these children who have no unions, no rest nor any means or ways to express their discontentment. They are not in a position to demand facilities or wage hikes from their employers. The sad plight of these innocent children remain an untold story and offshoot of unequitable, social economic ambience.

Street children also fall victims to social evils like drug addiction and are used by the drug mafias to smuggle drugs

from one place to another. Many of street children become victims of organised mafias who forced children into begging sometimes the children are made handicapped and are forced to do the begging for the mafia gangs.

Child prostitutes are also common in India, there are about four lakh child prostitutes in India, who are mostly destitutes and even the abducted children who are sold to the flesh traders where they are forced to entertain two-three clients per day.

The Supreme Court has declared that definition of right to life which is given in the Article 21 is the backbone of our Constitution, that right to life means the right to live with dignity and the right to privacy. But the street children of India have neither dignity nor privacy in their lives. They are subjected to life of extreme humiliation, miseries and darkness.

It is not that the government cannot do anything but it does not want to do anything sincerely as the fact remains that there are number of laws preventing child labour, bonded labour, prostitution and child abuse of destitutes but yet many of the juvenile correction centres, remand homes and government orphanages for destitute become the centre for exploitation of these helpless poor children. As they have no voice in the corridors of powers there is hardly anybody to listen to their grievances. It is the high time that the Indian government, the largest democracy in the world, should do something about it. All that it needed is a political will combined by the efficient administrative support to tackle the problem of street children.

Multinational companies can be given incentives and tax benefits to start night shelters and slum schools for the destitute street children. And can be given to non-government organisations like Child Relief and You (CRY) and Deepalaya. Work can also be done in coordination with International Programme for Elimination of Child Labour (IPECL) and CLASP (Child Labour Action and Support Project), similarly a national task force should also be set up for eradication of the problems related to child labour and street children, so that we can give a better deal

in life to these destitutes by providing them basic amenities of life so as to make them better citizens of our nation. The child of today will be the future of our country. So the investment made on children will be an investment in the future of our country. We are guilty of many crimes and errors but our worst crime is abandoning our children.

Convention on the Rights of the Child

Adopted by the General Assembly of the
United Nations on 20 November 1989

PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations, have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognising that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and

well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognised in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10) and in the statutes and relevant instruments of specialised agencies and international organisations concerned with the welfare of children,

Bearing in mind as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognising that, in all countries in the world, there are children living in exceptionally difficult conditions, and the such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognising the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such

protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

Article 6

1. States Parties recognise that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth

and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present Article, all interested parties shall be given an opportunity to participate in the proceeding and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a States Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognised in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others, or
 - b) For the protection of national security or of public order (order public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and when applicable, legal guardians, to provide direction to the child in the exercise of his or

her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation;
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;
- b) Encourage international co-operation in the production,

exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

- c) Encourage the production and dissemination of children's books;
- d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous.
- e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principles that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services of the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal

guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, *inter alia*, foster placement *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognise and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- a) Ensure that the adoption of a child is authorised only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

- b) Recognised that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent inter-governmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or

other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognise the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognising the special needs of a disabled child, assistances extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and

skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - a) To diminish infant and child mortality;
 - b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - c) To combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
 - d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realisation of the right recognised in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognise the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognise for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development;
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support

programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents of other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements of the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - a) Make primary education compulsory and available free to all;
 - b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - d) Make educational and vocational information and guidance available and accessible to all children;
 - e) Take measures to encourage regular attendance at schools and the reduction of dropout rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to

education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education on the child shall be directed to:
 - a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.
 - c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own;
 - d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace tolerance equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - e) The development of respect for the natural environment.
2. No part of the present Article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall confirm to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - a) Provide for a minimum age or minimum ages for admission to employment;
 - b) Provide for appropriate regulation of the hours and conditions of employment; and
 - c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices; and
- c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or

imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

- c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; and
- d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - a) No child shall be alleged as, be accused of, or recognised as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - i) To be presumed innocent until proven guilty according to law;
 - ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - iii) To have the matter determined without delay by a

competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

- iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- v) If considered to have infringed the penal law to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used; and
- vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognised as having infringed the penal law, and, in particular:

- a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law; and
- b) Whenever appropriate and desirable measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available

to ensure that children are dealt with in a manner appropriate to their well being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of the child and which may be contained in:

- a) The law of a State Party; or
- b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realisation of the obligations undertaken in the present Convention, there shall be established a Committee in the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognised competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every

second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election, shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration

of the meetings of the Committee shall be determined, and reviewed, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of those rights:
 - a) Within two years of the entry into force of the Convention for the State Party concerned; and
 - b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- a) The specialised agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialised agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialised agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- b) The Committee shall transmit, as it may consider appropriate to the specialised agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present

Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that, within four months from the date of such communication, at least

one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all states. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English French, Russian and Spanish text are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In Witness Whereof the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments have signed the present Convention.

Child Labour—Some Case Studies

CHILD LABOUR IN SPORTS GOODS INDUSTRY

The broad objective of the study is to estimate the incidence of child labour in the sports goods industry in Jalandhar, Punjab, covering all kinds of production centres and to understand the profiles of the working children as well as the households they come from so that a comprehensive rehabilitation plan can be chalked out to eliminate child labour from the industry. The study is based on a sample of 1,292 households engaged in sports goods production and drawn from almost 50 per cent of the nearby rural as well as urban areas where such households are concentrated. Besides, the household survey, an establishment survey was also conducted covering 144 registered establishments and 16 unregistered units in two of the urban areas were also surveyed. Apart from this, several focus group discussions were held with representatives of employers' associations and trade unions. This study was conducted in 1998.

The city of Jalandhar produces a variety of sports goods for both national and international markets and includes, *inter alia*, inflatable balls, badminton racquets, shuttle cocks, cricket bats, cricket balls, gloves, leg-guards, hockey sticks, carrom, chessboards and fishing equipment. Production takes place in large and small registered factories, tiny unregistered units in the informal sector and homes. By rough estimates, approximately 60 per cent of the total production of the sports goods industry comprises a single item—inflatable balls of 19 different varieties made synthetic and natural leather.

In the home-based part of producing of inflatable balls, women and children are also employed. The employment of children in the production of inflatable balls appears to be of recent origin with the emergence of home-based production and consequently, that of the family as a work unit. Contractors as well as the home-based workers are paid on a piece-rate basis. The piece-rates in home-based production are not always fixed in a scientific manner.

In terms of hours of work, data is available from the surveys, the present study has not been able to estimate the contribution of these children to the family income. However, from a study done at the same time for UNICEF in the same area, their contribution has been estimated to be nearly 30 per cent. Based on the same study, the number of hours, on an average, that a child may be working per day and the quantum of output he/she can produce in that time his/her contribution could be in the range of Rs. 500 to Rs. 700 per month.

The majority of the households belong to the socially backward strata and almost all are educationally backward and economically poor. The sample households are quite homogeneous on almost all variables and in both the areas.

Ninety per cent of the households belong to the lowest rung of the caste-based rigid stratification of Indian society, that is, Scheduled Castes (SCs). In terms of the educational status of the heads of 1,292 households, on an average, four out of every 10 of them are illiterates and just about one has passed high school.

The average family size for all households is around 5.6 with an average monthly family income of Rs. 2,328.29. Thus, the average per-capita monthly income is almost equal to poverty-level income in both the rural as well as urban areas. About 85 per cent of the families in both the areas fall within a per-capita monthly income-bracket of Rs. 600.

The study has revealed that in the 144 registered units surveyed, three children (male) were found working in two units (one manufacturing gloves and the other manufacturing cricket balls). Owing to the unstructured style of

functioning and the scattered nature of units in the unorganised sector and only 16 units were surveyed in two urban pockets, wherein three units were found to have employed child labour. Seven children were found working in these units. The involvement of children in the manufacturing of sports goods take mostly at the home-based level.

Child work makes further education superfluous in the perception of both the parents as well as children. An inverse relationship between education and child work has been established. The work becomes more and more important as children grow older. With the average number of working hours being more than three hours each day after the age of 10, the kind of attention the child could give to his/her studies is a moot point. The work pressure finally leads to dropping out of school. The data suggests that 90 per cent of the total dropouts have turned into full-time workers.

Of the working children, nearly 75 per cent are reported to be dropout cases. Since the working and school-going category of children has the highest presence in the sample of the study, it is felt that this category constitutes the breeding ground for future dropouts and their probability of joining the ranks of working children is very high as they grow up. The category of children who are neither going to school nor working may also be looked at in this perspective.

Children who belong to the working and school-going category spend, on an average, 5.74 hours in school, 3.20 hours stitching footballs at home and about 1.14 hours at other work (excluding recreation and sleep). If the time spent at school and the time devoted to work at home on stitching footballs is considered, the working children spend only 5.81 hours but the working and school-going children are spending almost 8.94 hours on these two activities.

As children grow older, the total number of hours spent in school, stitching footballs at home and other work (excluding recreation and sleep), rises from 8.67 hours for a five-year-old child in the working and school-going category

to nearly 10.34 hours for a 14-year-old within the same category.

There appears to be a correlation between the specific health problems of the working and working and school-going children and the work they do. About 42 per cent of the working children and 29 per cent of the working and school-going children reported health problems. The two most common problems relate to joint pain and backaches, which account for nearly 60 per cent of the total responses.

The incidence of child labour is predominantly for economic reasons and can be reduced by enhancing the income entitlements of adult workers. The existing rural and urban development programmes should be aimed to converge so as to strengthen the attempts to eliminate child labour. Moreover, a scientific study must be undertaken to fix piece-rate wages. The contractor system is not desirable in its present form and needs to be replaced with an altogether progressive system with effective monitoring and regulation by the state, employers and trade unions.

A welfare fund may be created locally at the industry level wherein a certain percentage of the gross value of production could be contributed by the manufacturers. This fund could provide for welfare measures. There should be an effective system of institutional credit through government or cooperative agencies so as to eliminate the excessive debt owed by the concerned workers to the intermediaries. The prevalent system of advances should be discouraged and efforts should also be made to create and sustain local thrift and credit societies and other innovative initiatives. It would be a useful idea to develop labour cooperatives to undertake home-based production. As the working and working and school-going children have reported specific health problems which appear to be related to the work they are doing, the Technical Advisory Committee of the Ministry of Labour, Government of India, may be requested to examine this aspect. Rehabilitation of working children should also involve the creation of "mothers' cooperatives", which can help to compensate the families for the loss in incomes that occurs from the rehabilitation of the working children.

KASHMIRI CHILDREN WORKING WITH CARPET INDUSTRY

Around five hundreds of children spending their lives cooped up in workshops during every hour of day light in Banyeer village of Kashmir Valley. These are some of the carpet weaving children of Kashmir, part of a rapidly growing industry based on child labour which is to be found in many parts of India, today. Banyeer is an exclusively Sunni Muslim village, fairly large and apparently prosperous with some 400 families who are engaged in a variety of activities. About 100 families have looms, majority rent these and some make carpets for themselves, which they sell to merchants from Srinagar, although one or two make carpets under contract for merchants on a piece-work basis.

Education is available in the village up to fifth grade. The headman estimated that 50 or 60 boys and two or three girls attend school, although the local guide said that the figure was more like 12 in total. With 400 families it was reasonable to estimate 1000 children in the village, although not all will be of school age. One villager stated that is children aged seven, eight, ten and eleven, had not been clever at school, although he had beaten them. So, he had put them to learn carpet making where they were now earning a total of Rs. 37/- a day between them.

The process of "weaving" does not adequately cover the method of manufacturing carpets, although a loom is used with warp threads forming the base of the carpet, there is weft as such, the bulk of the carpet being produced by short threads of material (cotton or silk or staple) are knotted one by one around the warp, packed tightly together and then trimmed to the length required to produce. The loom is positioned with the warp running vertically and the "weavers" sit in a row on the ground or on a bench at the base of the loom, each responsible for a certain width of the carpet, typically around 18 inches. The weavers select lengths of thread of appropriate colour in accordance with the instructions called out by the "Caller" or foreman, who usually sits on the other side of the carpet and who has the pattern in front of him written out in a curious code which only he and the weavers can understand. The workers

follow the instructions as they are rapidly shouted out in code sequentially to the various weavers, requires considerable concentration. When a length of thread of the correct colour has been selected, it is knotted round the appropriate warp thread and then roughly trimmed with a sickle like knife. Every so often the knots are packed together by beating them downwards by means of the same instrument. Obviously, it is difficult for young children to perform these operations accurately at speed for extended periods and it is noteworthy that despite claims that children's little fingers tie the best knots, at Banyeer, the finest carpets were entrusted not to children but to a few adults.

The conditions of loom-sheds were fairly squalid, though not more so than their own homes, of which the loom sheds did in any case usually form a part. They were, however, in most of the cases extremely cramped and in almost all sheds the level of lighting was very poor, indeed. The weavers sit side by side on the floor at the foot of the loom, which is set vertically, the lowest part of the loom, just clear of the ground, being a huge roller on which the completed work is rolled away from the workers, bit by bit, as it is done. As a consequence, the weavers were always working on a part of the carpet which is approximately at eye-level as they squat on the ground. This means that they are forced to sit cross-legged in front of the work, without moving for many hours at a time; only in one case out of those inspected, were the weavers able to sit properly, a trench having been dug out to accommodate their lower legs and feet. Furthermore, because the very bulky looms have usually been put in houses not built for the purpose, they often take up most of the room, resulting in very cramped conditions, some times with two or even three looms crowded into one room.

Lighting is an additional problem and in order to obtain the maximum amount of natural light, the looms are usually placed very close to the wall, in which the comparatively small windows are situated, so that the weavers sit with their back to the wall, with the available light coming over their shoulders. This results in their having a very restricted space in which to work, often no

more than 30 inches deep. The corners, remote from the windows are very gloomy and in certain cases, particularly where there are two or more looms in a room, the workers are dependent on artificial lighting even in the day time, usually from very inadequate electric bulbs. The number of boys differed from loom to loom. Their age was from 10 to 15 years. They worked from 7 a.m. to 7.30 p.m. in the summer and from 9.00 a.m. to 5 p.m. in the winter, in each case with an hour for lunch. They took from six to 12 months to learn the craft and were paid from Rs. 5 to Rs. 15 per day. The owner expected to sell the carpet for Rs. 10,000/- for a size of 8' x 11', that too of a third quality staple where five boys were working. Thirteen such looms were visited. The mere physical conditions they constituted were so grim as to constitute physical abuse in themselves; cramped conditions, harsh work, inadequate lighting, long working hours, strain on the eyes and tender hands speak volumes. It is certain that the painfully inadequate remuneration would go to the parents rather than to the children themselves.

About half the child labourers in Banyeer were girls and so the village mirrors the state. Ninety per cent of the child labour of Kashmir carpet industry is of bonded labour unlike Mirzapur, Bhadohi where it is only 15 per cent. Banyeer's Muslims had absolutely no feeling of guilt about employing children whether their own or their neighbour's, but they were "proud to have discovered a profitable activity".

CHILD LABOURERS IN MATCHES AND FIREWORKS

The Child Labour Bureau of the Tamil Nadu Institute of Labour Studies in collaboration with UNICEF, Madras, organised a workshop on "Enforcement of Child Labour Laws in Match and Fireworks in Tamil Nadu" on 8 and 9 December at 1992 at Madurai. Special Secretary for Education Department of Tamil Nadu stressed the need for the effective enforcement of child labour laws in match and fireworks industry. He endorsed the views of Chief Minister for eliminating the employment of child labour over a period of five years in a phased manner, especially in Sivakasi and

Sattur areas. Sivakasi is one of the main municipal town in Kamarajar district of Tamil Nadu. Sivakasi is also a drought-prone area with a dry and hot climate all through the year. The dry atmosphere facilitates match manufacture. Taking advantage of climatic conditions, homemade manufacturing processes are involved. Taking advantage of the upward revised excise duty more and more match units came up.

The industrial town of Sivakasi produces 75 per cent of the country's carburised matches and 90 per cent of the crackers besides being the biggest printing industry in India. In and around Sivakasi, there are about 2,700 big and small match factories, nearly 200 fireworks factories and about 200 printing presses. These industries employ a labour force of two lakh, out of which 75 per cent are from Scheduled Castes. Men, women and children make up respectively 20 per cent, 50 per cent and 30 per cent of the workforce.

Among child labourers 90 per cent are girls. In 1986, the Government of India estimated that 14,121 children were employed in the match units of the National Child Labour Project areas of Sivakasi, Sattur and Vembakottai. According to unofficial sources, however, there were 1,25,000 children working in the Sivakasi belt spreading over Tirunelveli, Chidambaranar and Ramanathapuram with its present trifurcation.

Children are the backbone of the family just as the match factories are for Sivakasi. Most of the children are from rural areas and are taken by buses every day. Quite a good number of them come from Sivakasi town and so they walk down to the factories. The migration of children along with their families from Srivilliputhur, Theni, Seenkaran Kovil and other villages of neighbouring districts is reflected, as they formed 15 per cent of those children interviewed.

Most of the child labour is from families whose household income is irregular and therefore, used to supplement the family income. Moreover, most of the parents send their male children to school. Thus the burden

of supplementing income falls mainly on girls. The survival rate of the parents does not affect the children's participation in the labour force is indicated by the fact that 78 per cent of the children were from families whose parents were alive, 15 per cent of the children didn't have a father, four per cent didn't have a mother and three per cent had no parents. The practice of protecting girl children by sending them to match factories is widely prevalent. They, initially, bring the girls with them and then gradually help them get absorbed in the labour force.

Girl children are discriminated against in schooling opportunity. Parents feel that children should earn for their keep and for dowry right from childhood. Another reason for girls to remain at home is to take care of younger siblings and attend to household chores to relieve the adults for productive jobs.

Illiteracy and low levels of education among the parents were found to be major contributory factors for child employment. The poor education of the parents gets them only poorly paid jobs, which keeps them along with their parents in perpetual poverty. The survey points out that about two-thirds of the parents were either illiterate or dropout and had been forced to work in their childhood. And when the children also join the workforce due to parental influence, this becomes inter-generational and there is no hope of freedom for these children to come out of this oppressive socio-economic exploitative structure.

Children get work in match factories at the request of parents, sisters and neighbours already working there. They are also recruited through the agents of employers who advance loans ranging from Rs. 500 to Rs. 2,000 to parents and guardians. These agents ensure that the children are transported from far-flung rural areas to the factories and back to their houses. The agents are paid an extra amount of Rs. 150 in addition to their salary for this work. They also go from house to house waking up the children as early as 4 and 5 am. Among the children interviewed, 58 per cent are not free to leave their employment because their parents have taken loans from the owners. The demand for cheap labour is high due to phenomenal increase in the number of

the labour intensive match industry. Employers face the problem of scarcity of labour and high labour turnover.

About 76 per cent of girl children interviewed are employed in frame filling, 16 per cent in box filling four per cent in band rolling. They are all casual workers. Interview with adult workers who had been working more than 20 years reveal that they are not made permanent despite working for several years of service there itself.

There is sexual bias in the labour force of match industries; no reward mobility for women and they are employed in unskilled work. Male children and adults are employed in chemical dipping, chemical mixing, side frame filling, and other processes. In course of time they become foremen, accountants and even managers.

The workplaces were congested, improperly ventilated, ill-lit, chemical odour nauseating, complaints about non-availability of toilet facilities and drinking water are always there. It was seen that children had to carry heavy wooden frames with wooden scales and iron bar of four kg each to be exposed to the sun or to the chemical dipping room.

Though the normal working hours in the match factory is between 8 a.m and 6 p.m, children work for 12 hours on an average, daily, for six to seven days a week, without a break for months together. It is further disturbing to see that many of these children start their day as early as 4 a.m. Instances of children working even as late as 10 pm were also observed. At times, children were kept at work for more than 14 hours a day for only an additional Rs. five. The loudness of Tamil film music/songs played acts as a catalyst in the whole working process. Generally, children take short lunch break of 20 to 40 minutes. It was also seen that children as well as adults were working on national holidays.

The abject poverty of people coupled with cultivatable land, forces the workers to accept minimal wages for their employment in the match industry. People's dependence on this income and their readiness to accept it provides the employers the opportunity to exploit the labour by paying low wages to get the work done.

The wages are paid mostly on piece-rate basis, but time rated contract and salaries do exist and in proportion to the workforce and in absolute terms, the latter in negligible.

In the work processes involving chemical mixing, chemical dipping and distributing splints veneers, etc., the workers are paid fortnightly or monthly. They are grouped as 'company workers'. These jobs are mostly done by boys. Girl children are generally paid on a piece-rate basis that has its own oppressive logic: long hours of work at top speed for low wages. About 0.55 ps for filling one frame; 0.60 ps for making 144 outer boxes and 0.60 ps for labelling 300 boxes. Every worker is expected to accomplish certain specified quantum of work every day under strict supervision. Company workers are paid Rs. 100 fortnightly and deduction are made if they are on leave. The average wage for girl-children per week is Rs. 38 but income varied from up to Rs. 70 to as little as Rs. 12 per week.

Management claims that workers are paid bonus twice a year but interviews revealed that only 40 per cent of the children got the bonus twice a year, 10 per cent once a year and 20 per cent didn't get any bonus at all. Worse, 30 per cent of the children received neither wage nor bonus as labour had been pledged by their parents in return for an advance from the employers and had not been fully recovered. This is one of the ways by which the employers retain the labour force under their control.

Interviews with doctors and the records from November, 1990 to January 1991 of the ESI hospital, Sivkasi, reveal that among the children below 14 years treated in paediatric ward of the hospital, 15.5 per cent suffered from primary complex, 4.4 per cent from chronic broncho and 6.7 per cent from broncho-pneumonia. Local doctors and doctors of ESI hospital said that there was a strong corroborations between the work in the match and fireworks industries where children are exposed to chemicals, respiratory diseases and eye infection.

There is a high risk of fire and explosion in raw material stores, paste making and match head coating stages and at box filling: here workers have to quickly gather sticks from each frame and put them into a box.

Here, the friction of matchsticks quite often leads to fire. Children wear synthetic fibre clothes which can catch fire quickly and also they are seated cross-legged on the floor which makes it difficult to get up and run away in case of fire. No fire prevention measures exist. The provisions of Factories Act regarding health, hygiene, safety and welfare measures are flouted. In the name of First Aid Kit only a tube of Burnol is kept. Building designs and layout are not planned scientifically. In addition to suffocation due to smoke, several processes of match making are carried out under one roof, thus, exposing them to fire hazards, heat, discomfort and sweat. Day in and day out children exposed to such risks do inefficient work, face increased chances of minor accidents and suffer emotional damage.

Practising doctors of Sivakasi say children suffer mostly from TB, malnutrition, gastro-intestinal disorder, skin disorders, over exhaustion, burn injuries, water-borne diseases and eye strain. Physical and verbal abuse of girls are not uncommon. Children take analgin, metacin, aspirin and crocin regularly after work to get rid of general body ache and tiredness due to long working hours.

One of the reasons for the concentration of child labour in Sivakasi is the weak enforcement of child labour laws. Enforcement becomes difficult because of varied perceptions of child labour by parents, employers, enforcement authorities, government officials and the public. There are enough legislations to deal with child labour, implementation of the Acts tells a story of official apathy and tacit collusion with the powerful match industry lobby, and also to an extent the plight of poor parents who want to earn enough to feed and clothe.

National child labour project is carried out with a focus on preventive measures to reduce dependence on match factory employment. Second is the Tamil Nadu Corporation for Development of Women Ltd. is running a printing press where 15 women who are mothers/sisters are employed. Interviews with the manager and women revealed that they are paid less than the minimum wages and are not entitled to any benefits. Working here does not discourage them from sending their children to match works. Under the

income generation programme to raise the economic level of the child labour families loans were given to child labour families. But the benefits are not reaching the target families because of some reasons. Twenty-six special schools are run by 12 voluntary agencies to rehabilitate children taken out of match factories. Here non-formal education along with vocational trades are taught, these children are also given Rs. 100 stipend per month. They are given midday meals and periodical health care. But children from rural areas do not get these advantages. And any rewarding out come of the NCLP seems quite unlikely as industrialists need to maintain child labour to sustain profit. Thus it is beyond doubt that a coexistence of child labour and full-time schooling to them is impossible. This is especially so if the management of schools and the match factory fall in the same hands.

We point out the following measures for achieving protection to children that could be taken:

1. As there is lack of vital information an extensive survey covering all the dimensions of the problem of child labour at Sivakasi is needed.
2. Efforts to irrigate agricultural land should be given prime importance, as it could enhance the earning capacity of households. This would also provide alternate employment rather than dependence on hazardous industries.
3. Society should be sensitised towards the evils of child labour—parents, employers, enforcement authorities, trade unions and social action groups should be the targets.
4. Employers should be convinced about the damage they cause by making children work and should be made to commit that they refrain from employing children.
5. Special training programmes should be conducted to improve the needed skill and motivation to the enforcement officers. They should be given facilities and incentives to do their jobs efficiently.
6. Special inspectorate for this area and a certifying surgeon are also to be considered.

7. Trade union activity need to be encouraged, such unions should work for time rate system in place of piece-rate system for adult workers.
8. Voluntary organisations should mobilise public opinion and organise awareness.
9. Total abolition of child labour seems to be the only solution.

CHILDREN IN BEEDI WORKS

Area in North Arcot Ambedkar district where beedi making is the main occupation for a considerable number of people was drafted. They are all municipal towns: Vellore, Arcot, Vaniyambadi, Tirupattur, Dudiattam, Ambure and Arakonam. They are also busy marketing centres. Of these the first four towns were selected as sample areas because they consist of a large number of beedi workers—adult and child workers. After that four representative areas were selected from each town on the basis of random sampling method. This gave a total of sixteen sample areas. Of them, the households engaged in beedi works were enumerated. From the total number of households, the ones consisting of pledged child workers were identified.

Tools of data collection included interview schedule, observation, case studies were used. The objectives of this study are (1) to study the production relations between pledged children and their employees in beedi works, (2) to study the impact of various legal interventions, (3) to study the exploitation of pledged child labour, and (4) to study their health problems.

The North Arcot Ambedkar district is, of course, the universe where the concentration of beedi works is more than in other districts. It retains, more or less, first place in beedi production in Tamil Nadu. In 1989, the total number of registered beedi companies in the district was 154. It was rather difficult to get the total number of unregistered beedi companies. However, it was roughly estimated that there were more than 100 unregistered beedi companies. The total number of beedi workers in factories was 2,987, but the total number of home workers was 20,941. Of them, more

than one-third of the labour force was constituted by children in the age group of 5-15. The tobacco supplied by the principal employers weighed 76,624.58 kg. The total number of beedis manufactured within the establishment was 55,588,597, whereas the total number of beedis manufactured by the home workers were 213,809,691. The proportion of male (50.80) and female (49.20) children engaged in beedi works, are more or less the same. The children are, irrespective of sex, pledged to private adult workers or agents or sub- contractors for want of money.

There is a subtle difference between the medium ages of male (11.59) years and female (10.82) years child workers. That is the reason why the age composition of these children shows that a fairly high percentage (76) of them belong to the age group of 10-14. However, a majority of the boys (48.82 per cent) belong to the age group of 12-14, whereas over one-third of girls are from the age group of 10-12. The proportion of pledged girl below 12 years is more than that of pledged boys in the same age group. On the contrary, the proportion of pledged boys above 12 years of age is more than that of pledged girls in the same age group. More number of girls than boys were pledged during their early childhood. Thus, both the sex and age of children are significant in pledging.

The girls joining the beedi works during their early childhood is perhaps due to the fact that the girls would normally attain puberty at any time after the age of 12 years. Therefore, their parents seem to be reluctant to pledge their daughters who have crossed 12 or 13 years. The other reason is that as the girls are more accommodative and adjustable than the boys, more number of girls than boys were pledged at the ages between 6 and 12 years.

On the other hand, nearly one half of the boys (48.82 per cent) were pledged after 12 years of age, whereas less than one-third of the girls were in such position. The reason is obvious that the boys are not as accommodative and adjustable as their counter parts. Therefore, the girls happen to enter into employment easy and get out from

pledging early, whereas the boys enter late and come out late. Hence the period of pledging of the boys and girls is more or less balanced.

Many parents do not hesitate to allow their sons to study at least up to middle school level provided the latter show keen interest in studies. This is corroborated by the data that the boys who studied up to middle school are twice as much as their counterparts. On the other hand, the parents think that educating their daughter will not be useful to them. The illiterates among the pledged children out number the literates. However, it is estimated that the education of children is independent of their sex. Thus, it is concluded that pledging the boys at later years of their childhood, preferably after 12 years does not promote their education to an appreciable extent. It has been enumerated that 42 (8.40 per cent) out of 500 pledged children, attend the night schools. They constitute 18 (7.09 per cent) boys and 24 (9.16 per cent) girls.

The schools established by the Indian Council of Child Welfare (ICCW) place importance on non-formal education, recreation, sports, nutrition and health care of all the children. They follow the syllabus and books prescribed by the State Resource Centre of the Tamil Nadu Board of Continuing Education. Some children are coached to appear for VIII standard public examinations so that they may be placed in technical training institution or apprenticeship.

Trained staff at the centres take keen interest in promoting the children's interest in games, songs, handicrafts, and current affairs. They encourage every child to take part in such extra-curricular activities. They also take the children to circus, or to see selective films. They also arrange for short tours so that these children would feel free and enjoy their childhood at least for a couple of days.

The children are served with nutritious meals and snacks. But a majority of the children are unable to come in time as their employers detain them even after 7 p.m. However, they have made it a point to attend classes every day in spite of their coming late by an hour.

The pledged children from scheduled caste constitute about one-third of the sample, whereas the Vanniars (MBC) and Muslims (BC) individually constitute more or less one-fourth of the sample. The rest of them together constitute 15 per cent of the sample. Therefore, the Schedule Caste is a predominant community that supplies children to the beedi works to a large extent.

Though the Hindu and Muslim children are engaged in this work, the proportion of the former is nearly thrice as much as that of the latter. The reason for more number of the Hindu children, especially from the Backward and most Backward classes engaged in beedi works is that they have been compelled by their parents to do this job as it is available all over the year and also a constant source of in their families help their parents in the family occupation or seek income.

Similarly, a large section of Muslims in North Arcot district prefer beedi works irrespective of sex, age and economic status. The well to do Muslims have established beedi companies for a profitable business. The tannery is yet another prospective business in this district, mostly specialised by the Muslim entrepreneurs. It also employs a considerable section of children for various jobs. In several parts of Tamil Nadu, poor Muslim women are also engaged in the beedi works as it is a cottage industry and does not affect their custom of staying at home.

The average size of the household of pledged children is 6.58. The average size of households with pledge children is higher in this area than the average size of household (4.47) in Tamil Nadu. These household are mostly locate in slums and such other poverty-stricken areas with insanitary and unhealthy surroundings. These areas are also known for dense population consisting of large size families. The data prove that nearly three-fourths of the households (73per cent) with pledge children have members ranging from 5 to 10 years. The rest (23 per cent) have less than five members each.

There are 1,298 children in 500 households. The data disclose that one-third of households (33.20 per cent) consist

of two children each. A similar proportion of households consist of three children each. In other words, two-thirds of households consist of two-three children each. The average number of children per household has been worked out to 2.6. This shows that the couples in the area under study follow small family norm.

The loan for pledging the children is decided by the agents or sub contractors or adult private workers. This is normally based on the skill of children in beedi making, especially beedi rolling and closing beedi end. The target of either beedi rolling or closing beedi end in a day is fixed depending upon the loan amount taken. For instance, for a loan of Rs. 1,000, a child is expected to either roll about 2,000 beedis or close the ends of about 4000 beedis in a day of about 10 hours from 8 a.m. to 8 p.m. The children like other adult workers are given rest on all Sundays. A major portion of their wage, normally more than one-half, is deducted from their daily wage, as a compensation towards the loan, but not as interest.

The policy of "no work, no wage" is uniformly followed by all employers. However, in case of any health problems, family function and religious, the children are permitted to take leave for a few days but on loss of a wage. If a child is absent for a long period or irregular in attending to the work of his or her father or mother has to compensate the work of their child. Otherwise the employers ask the parents to clear off the loan. Because of this the parents force their children to resume the work. If they fail, the parents would again pledge the child to another agent to clear of the loan obtained from the previous employer.

The employers don't consider the child workers, either pledge or not pledge, for provident fund subscription and bonus. However, they provide the children with daily *betah* and a set of dress once a year. They also provide them with tea either in the morning or in the evening, but it is not a uniform practice as the other two benefits.

The process of beedi making includes cutting tendu leaves, beedi rolling and closing the end of beedis. A majority of the children are engaged in closing beedi end.

The reason is that this sort of work is relatively easy and does not amount of wastage of beedis, on the other side, beedi rolling needs extra care and involves some amount of risk. Only experienced children are employed to do this work to avoid wastage of beedi leaves.

On the whole one-fourth (24.20 per cent) of the children are engaged in beedi-rolling only. A similar percentage (23.60) of the children do both rolling and closing beedi end. But, the children engaged in closing beedi end only are twice as much as those engaged in other two types of work. Thus, the boys and girls are predominantly engaged in closing the beedi end. The proportion of boys engaged in beedi rolling is higher than that of girls, whereas it is reverse in the case of closing beedi end.

Over 70 per cent of the parents are engaged in beedi works, where as the rest of them (about 30 per cent) do various jobs other than beedi works. The data show that 15.34 per cent of the parents engaged in beedi works. Were pledged to agents or subcontractors during their childhood. But it is found that none of the parents whose occupations are other than the beedi works were pledged. In sixteen families the parents (5 per cent) engage in beedi works have pledged themselves to the agents and sub-contractors for economic reasons. Thus, in these families both the parents and children are pledged workers. There is no such case among the parents whose occupations are other than beedi works.

A sum of Rs. 24.90 is fixed for making 1,000 beedis. This includes Rs 8.50 towards dearness allowance. The total wage per 1,000 beedis is distributed to different items of work such as cutting tendu leaves (Rs. 2.50), beedi rolling (Rs. 12.50), closing beedi end (Rs. 2.50) cost of thread used to tie beedi mouth (Rs 1.30) and wastage of leaves and tobacco mixture (Rs. 2.50). Pledged children get a token wage irrespective of their production. Most of them are paid one half of what they cam per day. The rest of their daily earning is compensated for the loan.

A sum of Rs. 2.50 is paid for closing the ends of 1,000 beedis. A trained child is capable of closing the ends of

about 4,000 beedis per day by spending about 10 hours. If so his or her daily wage is worked out to be Rs 10. But what he or she gets is Rs. 5 or sometimes, less than this amount. The rest is compensated for the loan.

A sum of Rs. 12.50 is paid for rolling 1,000 beedis. If so, the child's wage is worked out to be Rs 25 per day. But Rs. 2.50 towards the wastage is deducted from the wage prescribed for rolling 1,000 beedis. So, the child loses Rs 5 altogether from the wage. In addition, Rs 10 is compensated for the loan. Thus, the take home wage of child would be Rs. 10 or sometimes less.

The proportion of boys and girls whose earnings are in the wage category of Rs. three-six are more than that of those whose earnings are in other wage categories. The earnings boys in a day is more or less equal to the earnings of girls. However, the actual daily wage of the pledged children is less than that of the non-pledged children employed by the agents or sub-contractors. The pledged children can earn like them if they are set free. The estimated daily wage of the pledged children would increase if they are freed. The proportions of boys and girls whose estimated daily earning are in the wage category of Rs. 6-12 are more than that of those whose earnings are in other wage categories. The reason why the average daily estimated wage of boys (Rs. 13.87) and girls (Rs. 10.86) is more or less centering around the wage category of Rs. 6-12. The daily estimated earning of the boys is, therefore, relatively more than that of the girls. The analysis showed that there is no significant difference between the boys and girls with respect to their estimated daily wage. This is perhaps the reason why a similar trend is found in the actual daily wage of the boys and girls. Thus, the earning capacity of the boys is similar to that of their counterparts. No bonus, or provident fund is given to child workers.

A large majority (62.40 per cent) of the parents pledge their children to the private adult workers. However, over one-third of them pledge their children to the sub contractor. The preference of private adult worker by a large number of parents is due to the reason that the

parents, in one way or other, know them personally and believe that their children will be taken care of by them. They also have the opinion that the subcontractors would be taxing their children heavily and strict to the contract even in different situations.

Of 500 children, 61 (12.20 per cent) of them have changed their employers. The proportion of boys and girls in this regard is more or less the same. It is also found that the previous employer of these children are in variably the contractors. Thus, the children working under the contractors are prone to change their employers as compared to those working under the private adult workers. The economic reasons include giving better loan advance and wage by the new employer. The ill-treatment by the employers and distance to the work spot are the two main non-economic reasons for changing the employers. The children who were shifted to other employer due to economic reason outnumber those who did so due to non-economic reasons. Thus, getting more advance has been a major cause of changing the employer. Nevertheless, nearly one-third of the children were shifted to other employers due to the ill-treatment by the previous employers. The ill-treatment here refers to both oral and physical punishment. Such punishments make the children develop an aversion towards such employers.

Of 500 pledged children, one-third (33.2 per cent) of them complain of punishment by the employers. The punishment ranges from oral abuse to harsh physical assault. However, the boys and girls often refer to the latter action thus, the boys and girls are more or less similar in reporting about the types of punishment they undergo.

One-third of the pledged children are punished by their employers. Especially, the children below 10 years of age are more prone to punishment than those above 10 years. They are punished because of their coming late in the morning, gossiping with others or sleeping, slowness in work, reluctance to work, incomplete work and so on. The data show that 350 out of 500 children are absent for a long time. Of these children five of them are regular as they are not interested in the beedi-works. The rest of them (30)

express that they were absent due to ill health some of the employers considered the reason as genuine, they did not take any action against 18 of them. However, other employers took action against eight of them. Of the eight, four were compelled to spend extra time in the evening to compensated the work during their absence, three of them were asked to settle the advance amount and one child was asked to bring his father to compensate the work during his absence.

One-third of the children express their view that their employer treats them harshly, whereas two-thirds of the children have the view that their employer treats them for kindly. When the parents of the pledged children were asked how they feel about the treatment extended to their children by their employers, 57.6 per cent of the parents replied that they are satisfied whereas 42.5 per cent of them are not satisfied. Over one-third of the parents reported that they are dissatisfied with the treatment of employers as they punish their children hardly and extract more work from them for hours together but pay them low wage.

The treatment of the employers depends on the submission of the children to them without resistance. The employers treat the children politely as long as the later carry out the instructions with regard to beedi work and personal work.

A majority of boys (58.66 per cent) and girls (55.69 per cent) approach their employers for other than personal work, which includes various issues relating to work. There is a significant relationship between the age children and the frequency of approaching their employers.

In all frequencies of approaching the employers, the children above 10 years of age out-number those below 10 years. Over one-third of the children below 10 years of age approach their employers only when situation warrants; otherwise they do their job in the manufacturing units. Data show that 50 per cent of these children approach their employers thrice more than thrice for personal and non-personal reason. It is also clear from the working children that more or less 50 per cent of the employers

appreciate them when they do the work as instructed. A similar percentage of the employers don't care for it. Never the less, more girls than boys receive appreciation from their employers. All employers made favourable comments with respect to the work-behaviour of the girls, but unfavourable comments are made against the boys. It is also interesting to note that though the boys are more efficient and productive than that of girls, they often earn the displeasure of their masters. It is found that the children below 10 years of age are often punished by the employers.

Therefore, a higher proportion of them than that of those above 10 years, express that their employers are harsh in treating them. Further, two-thirds of the children have the view that their employers treat them kindly of them the proportion of children above 10 years of age is higher than that of those below 10 years. The employers are rather kind to large majority (69.74) per cent. of children above 10 years of age as they cooperate and adjust with their employers. Moreover, they complete the target prescribed for every day. Therefore, they are satisfied with the performance of these children. Only 11.6 per cent of the pledged children say that their employer are helpful at time of health problems. All the working children express that their employer take care of them in terms of security during working hours. In addition, the employers create a work atmosphere in which the children work freely and are not either humiliated or harassed by co-adult male workers. Especially, they are careful in giving protection to the girl children. Over one-half of them are getting *betah* from the employers. The rest of them are denied this benefit. The *betah* would be either 50 paise or one rupee per day. Also, eight per cent of the children are supplied with tea once a day. Either giving or not giving the *betah* depends on the contract. In general, the adult workers employed in the beedi units are reported to be kind and sympathetic to the children, In general, they are, in one way or other helpful to the children in doing their work. Over three-fourths of the children report that they are comfortable with the company of the adult workers.

The health problem of the children varies from mild cough to acute tuberculosis. Nearly half of the children have respiratory disease such as cold cough and TB. One-fifth of them suffer from headache and over 15 per cent of them report of backache and anemia. Less than five per cent of them have skin disease. However, it is clear that there is an association between the beedi works and respiratory problems. This is mainly because of their exposure to the tobacco dust and beedi leaves. Since they have the problem of malnutrition, they are highly susceptible to the respiratory infections resulting in frequent cold. Thus, the combination of this sort of infection and malnutrition is particularly serious among the children engaged in beedi works.

On the whole, the work environment is not conducive to maintain normal health. A small work-shed accommodates 20-25 children. They are poorly ventilated. They lack latrines, but, some of them have drinking water facility. The sheds are almost over-crowded with children, adult co-worker and materials.

Over 95 per cent of the children take three meals per day. But it does not mean that the food they consume is adequate and well balanced. Rice is the staple food for both the rural and urban beedi workers. Their dietary system is rather unaffected by their income or family size, but slight variation exists with regard to the urban-rural workers. Only five per cent of the children take domestic medicine and homeopathy treatment, whereas 95 per cent of them take allopathy treatment from the government hospitals, private clinics or nursing homes.

Since they are busy from dusk to dawn they don't bathe regularly. Only 18 per cent of the children bathe regularly. Ignorance, tight work schedule, and negligence together contribute to their personal uncleanness. Since some of them live in slums the living conditions of beedi workers are far from satisfactory. They need special medical care: some of the measures that should be taken are organising medical camps; following up of the cases identified and providing periodic and timely medical help. Strengthening the

Primary Health Centres with all infrastructural facilities based on the health need of the locals. Forcing the beedi employers to start medical centre, organising social education programmes to create health awareness in the minds of growing children can go alone way in helping these children who deserve it all the more.

CHILD LABOUR IN DIAMOND INDUSTRY

Child labour is an ever increasing problem in our country. It is common in hazardous and nonhazardous works in different sectors. Child labour is considered an asset in various manufacturing, processing and mining industries. In rural sector-child labour is also considered important for cultivation, animal rearing, plantation, etc.

The National Policy on Child Labour formulated in 1987 aims at identifying most effective ways of dealing with the problems within specified industries. The diamond polishing industry in Surat is one of them. The diamond industry is an industry in which the child labour is prohibited under the Factories Act or the Child Labour (Prohibition & Regulation) Act.

The present study is sponsored by the Social Welfare and Nutrition Division, Planning Commission and is carried out by Operations Research Group, Baroda, on the child workers, making both ends meet in the Diamond city, Surat, leaving behind their family and friends. Since child labour is a vital issue of national importance, the Planning Commission instituted a survey to ascertain, (a) why the industry was attracting so many children (b) the plight of these children, and (c) Effective ways to deal with problems facing these working children.

This survey was confined to areas in Surat city where the diamonds processing units are located. From 5,665 which was enumerated through a quick census, a sample of 303 units were visited for interviewing children working in these units. In all, 524 children were interviewed. A sample of 153 families of these children located in Surat were also visited to assess the aspirations and attitudes of parents and particularly to collect the background information of

the family. In addition, 56 diamond processing units were visited for discussion on issues related to working children.

India is one of the countries in the world which processes raw diamonds and specialises in cutting and polishing small-sized and low quality diamonds. Raw diamonds are brought to India from Belgium and after processing are exported. Some of the states like Tamil Nadu, Kerala, Maharashtra, Rajasthan and Gujarat are the important centres for diamond processing. Today, Gujarat alone contributes to 70 per cent of the total processed diamonds in India. Within Gujarat centres like Palanpur, Bhavnagar, Navsari and Surat are known for diamond polishing. Of all the places, Surat, being closer to Mumbai has emerged as one of the major centres for the diamond polishing trade. Majority of the diamond units in Surat are located in crowded places. The most common areas in the city are Varachha road, Mahidharpur, Rampura, Haripura, Lalarwaja and Katargam. Of these, Varachha has the largest number of units and is often called mini-Saurashtra, because many people of this region have settled here. Besides processing, diamond trading is also done here.

Policies, legislations and programmes concerning child labour

Three Acts (a) The Factories Act, 1948, (b) The Bombay Shops and Establishment Act, 1948, and (c) The Child Labour (Prohibition and Regulation) Act, 1985 concern the diamond polishing industry.

- i) *The Factories Act*: Under this Act, factories with more than 10 workers are registered. Since most of the diamond polishing units have low or less number of worker, very few units are registered with the DIC. As per DIC records only 646 diamond units (against estimated 50,000 units) are registered. Temporary nature of this trade is yet another reason for non-registration of the units. It has been observed that in case of irregular supply of diamonds or official interventions, the proprietors of these units shut down

their establishments and return to their villages for farming. They return only once the normalcy is restored.

- ii) *The Mumbai Shops and Establishment Act, 1948*: Being a small scale operation, most of the units get themselves registered under this Act. Child labour is legally prohibited under this Act. In reality, the units neither register themselves nor renew the licence. As per the rule, units, have to acquire licence within a month of starting business. Since the fine in the case of default is very low nobody bothers to obtain the licence or renew it. Another reason is that diamond polishing is not the primary occupation of the unit owners. They are basically agriculturists and under unfavourable conditions simply migrate.
- iii) *The Child Labour (Prohibition & Regulation) Act, 1986*: This Act only regulates the work conditions of children and does not prohibit children from working, providing an easy escape route to the diamond industry. In Surat, there are nine inspectors to check such units. In a month they visit two-three units. Since diamond units are quite large in number, a bulk of them is never visited at all. Some other reason for infrequent visits of these units comprise, (a) No judicial power to officials to prosecute proprietors in case proprietors exploit children and/or refuse to furnish information asked for, and (b) some parents also turn hostile towards inspectors.

In 1954, to initiate this trade in the state, traders of palanpur had invited a few experts from Belgium to train workers in diamond polishing. Gradually this art spread all over Gujarat. The diamond processing industry which has expanded over the last decade is still confined mostly to cottage units. There are some big traders also who have their units on large scale in industrial estates or otherwise.

Being a small scale cottage industry most of these units are set up in crowded places. These units comprise lathe machines required for 'shaping' diamonds and 'Ghanti' for polishing diamonds. Usually four workers sit around a 'Ghanti' for polishing diamonds. To operate the lathe machine as well as the 'Ghanti', an electric motor (half H.P)

is needed. To utilise maximum space and to save expenditure on rent large number of machines 'Ghantis' are cramped in small places. Many times each room in a building or a block has a separate diamond unit. Sometimes there are two or three employers sitting in the same room. In such cases each employer owns one or two machines. On an average, a unit comprises 10 lathe machines and/or 'Ghantis'.

While the Surat Diamond Association mentions around 10 lakh workers, the Indian Diamond Institute quotes about 50,000 diamond cutting and processing units and around five lakh workers in Surat and its surrounding areas. However, the registered number of diamond cutting and processing units with District Industries Centre was found to be only 646. These units showed employment of about 6,269 people. Similarly, the shops and establishment department where most of the diamond units get registered reported registration of 34,475 units.

These units provided employment to approximately 1,37,925 people (1,33,389 males and 4,536 females). As these sources do not maintain details of employees, the total number of children below 14 years could not be sought. The population engaged in diamond cutting and processing industry is mostly migrant population from other parts of the state. Locally called 'Hiraghasu' these workers migrate mainly from Saurashtra, North Gujarat, Banaskantha and surrounding areas of Surat district.

These children migrate due to constant drought, acute shortage of water and lack of irrigation facilities. They also migrate due to strong caste and village linkages. Many times one or two members migrate, sometimes the entire family. In harvesting season they go back and return later for diamond polishing. These workers mostly stay in groups. Diamond trade being a trade of costly gems, usually the proprietors/employers prefer the worker from their own villages or known families and from within their own relations. Due to high rent, scarcity of residential accommodation, most of the workers reside in the factory itself and eat either in hotels or as paying guests. Some were observed to be cooking for themselves. Some of them

prefer a group living, sharing the accommodation, toilet and other facilities.

Diamond cutting and polishing work requires skilled workers. This skill is easy to acquire. It is reported that this skill can be easily acquired even by a child within three or four months of rigorous training. Children come to Surat either with one of their family members, generally an elder brother or an influential member of the caste or the village. Initially, they are kept on training. For this period, the child is not paid any wage.

The average family size of all the 524 sample children was found to be six. The majority of children (98.7 per cent) were Hindus and as high as 61.0 per cent came from upper caste families, such as Patels. Muslims were just 1.3 per cent. Scheduled Caste and Scheduled Tribes were 7.7 per cent and 8.1 per cent, respectively. An analysis of the literacy level of the family members reveals that majority (76 per cent) of the heads of the families had education up to secondary level and almost 20 per cent did not have education at all. In the case of their wives, majority (62 per cent) were found illiterate.

As regards children aged 3-18 years, it was found that almost 94 per cent boys and 91 per cent girls had education up to primary level and below. The proportion of children having education up to the secondary level was found very low, i.e., only 3.5 per cent in boys and 6.7 per cent in girls. The analysis indicates that in spite of education parents/heads of the families, the children were sent to work. Thus supplementing the family income or the attraction to earn more money could perhaps be the major motives for sending or allowing children to work.

It was found that most of the parents were in favour of sending children (78 per cent for boys and 63 per cent for girls) to school. However, majority of them were also of the opinion that children (92 per cent in the case of boys and only 31 per cent for girls) should work to earn money for the family.

The study also showed that 87 per cent of the families were male headed. The remaining 13 per cent families were

female headed. As per the survey, at least 61 per cent male headed families households females had the final say.

An analysis of the ownership status of the residential house at native place shows that 85 per cent of the families of sample children owned the residential house; among the rest, around 13 per cent were staying in the rented house and around two per cent in their relative's house. Those living in rented or relatives houses were staying in Surat city.

The income distribution of the families of study children reveals that on an average the earning of the families was Rs. 2389.30 per month. Majority of these families (about 67 per cent), were having income between Rs. 1,501.00 to Rs. 3,500. Only 17 per cent families had income below Rs. 1,500 a month. This indicates that income supplementation may be the major reason for these children to join diamond polishing work.

Finally, of the total children in the age group 8-16 years in the families, over half the children were found employed in some or the other activities. The mean present age of the working children was 13.6 years. In comparison to this, their age at the time of starting the work was reported to be 12.2 years.

Overall, 502 boys and 22 girls were interviewed. It is clear that 12-14 year age group constitutes over 96 per cent of the total sample. Children started working from the age of 10. However, 12 and 13 were the model ages for joining work. Incidentally, these were also the ages when children discontinued. Thus, it may be inferred that most of the children began working soon after completing primary level education. The availability of only primary education facility in most of the villages also could be one of the factors leading children to indulge in income earning activities.

It was found that half of the sample children (54 per cent) were staying alone. Majority of them were found staying in the diamond polishing units only. Around 22 per cent were staying with their relatives and the rest (around 23.0 per cent) were with parents.

Majority of the children also had migrated alone to Surat to work in diamond industry. Majority of the children

from Gujarat had to cover distances ranging from 370 km to 606 km from their native place to reach Surat. The mean distance travelled by children coming from within Gujarat worked out to be 482.7 km. whereas for those coming from outside Gujarat was 585 km.

After entering Surat only eight per cent were found staying beyond three km. They travelled by cycle, local train and rickshaw. Those who stayed very nearby walked to the units. Nearly 90 per cent of the working children had discontinued studies. As regards educational level of those who had discontinued studying and were currently studying, majority of the discontinuers gave up schooling soon after primary level of schooling. Nine per cent of children never attended any school.

During the last one year, half of the children had fallen sick. All these children had sickness less than five times during the last 12 months. The remaining children (49.6 per cent) did not report any illness at all.

The data also reveals that the most frequently mentioned illness was fever (42.5 per cent) followed by cold and cough (17.7 per cent). Some of them also suffered from headache (11.5 per cent) and malaria (13.3 per cent). Typhoid, eye problem, chest pain, leg/body pain, etc., were the other illnesses mentioned by the children. It needs no emphasis here that eye problem, chest pain and leg/body pain are the sicknesses which might have caused because of their working in this industry.

Regarding deficiency symptoms among working children, almost half of the sample children were found to have dental caries. Other deficiency symptoms, spotted among the children were cracks in the corners of the mouth-angular stomatitis (15.8 per cent) and displacement hair (14.1 per cent). This could be probably due to prolonged malnourishment in the early years of life.

As regards past work experience, it was found that almost one fourth of the sample children (24 per cent) had worked before joining the present job. Of these, majority (89.0 per cent) had undertaken only one job so far. The percentage of children having taken two and three jobs

previously were 9.7 and 1.6, respectively. It is also evident that majority of these children (95.0 per cent) had worked in a diamond polishing unit only.

As regards the on job activities, all the children had acquired skill in diamond polishing and were earning their wages through it. Since the payment of children was on piece rate basis, majority of the children (almost 98.0 per cent) were found putting on nine and more hours of work on the job. Of these, almost 50 per cent children were found putting almost 10 to 11 hours of work, daily. However, here duration included recess also. It can be said that putting so many hours of work that too in closed and stuffy rooms is certainly strenuous and can have adverse effect on children's health.

'Going for a walk' and 'taking rest' were the major ensure time activities reported by nearly 43 per cent children for each activity. For 24 per cent of the children, 'watching TV/film and listening to radio' was the most favourite way to pass time. Other activities mentioned by children were, playing (8 per cent) and going to paan shop (7 per cent). Majority of the girls (10 per cent) also mentioned that they help in household chores during leisure time. Around 13 per cent used their leisure time in reading books, visiting temple and chatting with friends.

Almost 50 per cent of the children reported the earning around Rs. 600 to 1,000 a month. On an average, their worked out to be Rs. 930. This income when compared the workers of other industries in the same areas was quite high. As regards the items on which the children were spending their money, majority (91 per cent) reported 'snacks and food items'. Around 10 per cent were also found spending money on entertainment. The chewing of paan/tobacco was observed more commonly among children of higher teens. The study also revealed that majority (nearly 75 per cent) were sending between Rs. 201 and Rs. 1,000 to their families per month. Seventeen per cent of children were sending less than Rs. 200 and eight per cent more than Rs. 1000.

The study further revealed that almost 94 per cent supplemented up to 50 per cent of their household income.

This reveals that children were helpful to their families and very few were actually running their families. Among all the children who were currently earning, very few (11 per cent) were found saving money for themselves. The rest did not save money at all. The study showed that children did not believe in saving money for themselves. Of those who were saving money, 45 per cent were saving up to Rs. 200 and 24 per cent between Rs. 201 and 400 and the rest 31 per cent between Rs. 401 and Rs. 900. It was also found that the majority kept their savings themselves while a good number of them retained it with their owner.

Usually four workers were seen sitting around the machine for polishing diamonds. The overall working conditions were poor. The rooms were ill-ventilated and stuffy. Since the workers stayed in the units, one could invariably see their cloths hanging on the wall. The lighting was poor and it seemed nobody bothered to clean the tubelights. These overcrowded units did not have exhaust fans also. Workers threw beedi butts and ash which made the surroundings all the most untidy. This survey showed that more than half of the sample children were staying in the unit itself (other half were staying with parents, relatives, etc.). Thus, the residential arrangement made the environment all the more filthy. Several units shared common toilets and they were found very dirty.

Majority of the families were aware of midday meal scheme (almost 70 per cent) followed by ICDS (17 per cent), adult education (15 per cent) and NRY/JRY, i.e., Nehru Rozgar Yojana/Jawahar Rozgar Yojana (14 per cent). However, the utilisation of these programmes, except midday meal scheme was very low. The families were found to have utilised various types of facilities under different programmes. They were free food, distribution of food grains, informal education, etc.

The district authorities of Surat informed that as of today there is no scheme to rehabilitate the working children. During the survey, the respondents also did not mention about any such scheme.

URBAN CHILD IN DELHI

This part is meant to increase the visibility of urban children living in poverty and accord them a higher place on the agenda of planners and administrators of governmental and non-governmental agencies. According to micro-studies, 70 per cent of the household incomes were less than Rs. 500 per month in the slums surveyed. One study found the average Infant Mortality Rate (IMR) to be 86, while another study found it to be 112, with IMRS as high as 200 in some slum areas of Delhi. The poor of Delhi are in a very real sense invisible. They tend to be hidden away in areas such as resettlement colonies meant exclusively for the poor; in jhuggi-jhopri areas of which there are 650 with a population of 1.3 million, the congested slums of old Delhi and unauthorised colonies and urbanised villages of Delhi.

The urban poor children and their families suffer from both the effects of poverty and under development as well as from industrialisation. From the first, they get a heavy dose of infection diseases and malnutrition and from the second, a wide range of chronic and social diseases arising from the hostile urban environment of pollution, stress and alienation.

Poor housing, or overcrowding, an inadequate and often contaminated water supply and inadequate waste disposal, quickly translate into malnutrition, respiratory infections, diarrhoea diseases and other waterborn infections, accidents and even disabilities. Children born today in an environment of poverty in Delhi are many more times likely to die before the age of five years and suffer more illness due to infections and malnutrition than those born at the same moment to better-off families. These children are likely to receive much less education and even that education will be of an inferior quality. These children will be responsible for housework and child care and will supplement family income from an early age. Many of them will go out to work in hazardous occupations. These children are more vulnerable to impairments and disabilities.

Working children staying with their families help their parents in the family occupation or seek employment

outside. Street children have varying degrees of contact with their families, ranging from continuous intermittent, to no contact at all. The last group is utterly vulnerable as they face harsh working and living conditions and receive no support or protection of family life. It is estimated that in Delhi, four lakh children are child workers and one lakh are street children. Nearly 80 per cent of the working children are above 12 years of age and are illiterate.

Most working children have migrated with their families from the Hindi-speaking areas of Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh. Normally, working children belong to large families who consider them an economic asset rather than a liability in their struggle against poverty. Most of the 'runaway' children have left home because of poverty, family discard, and ill treatment many of them faced physical violence at home.

They are seen everywhere, in the business and trading centres of the city, on railway stations and bus terminals, working in dhabas or sleeping on pavements. The living conditions in these areas are very harsh, but the children prefer to work and live here because of the wide range of employment available to them. A recent study estimates that 40,000 children work as labourers, 30,000 assist in shops, 30,000 in dhabas and restaurants and 20,000 children work in auto-repair shops. Many of the children are self-employed as porters, vendors, ragpickers, shoe shine boys, newspaper sellers and beggars. Shoeshine boys earn between Rs. 20 and Rs. 25 a day, vendors, Rs 10 and Rs 15 and newspaper sellers, Rs six and Rs eight per day. About one lakh children are estimated to be working as domestic help in the middle and upper class residential areas. A smaller, but, significant number of children work in the industrial areas of Delhi. Girl-children of poor families take on the responsibilities for domestic task and become surrogate mothers to their younger siblings at as young as seven to eight years. In addition, they may take on wage labour.

Many girls help their mothers in domestic or piece-rate work, some are employed in small industries, while others are engaged in vending ragpicking and, at times, begging.

The children have to put up with long working hours (eight to 12 hours a day), low wages, irregular payment and job insecurity. They face verbal, physical and sexual abuse from most people who deal with them. Harassment from the police and municipal authorities is common. In some occupations (such as mechanics and helpers in dhabas) there is little time to rest and no holidays. There are also no shelters, no bathing and toilet facilities, no place to keep their own belongings or money. Most of the street children feel ejected and frustrated and experience a strong sense of physical insecurity.

These children work for their own survival and that of their families. Through their work, they actually subsidise the city dwellers by providing needed services at a very low cost. Therefore, basic services must be provided by national and local government bodies which have, so far, ignored them. Community-based services run by NGOs offer the most effective means by reaching these children. Institutional care, as it exists now, can not prove to be an effective answer, given their, large number and varied needs.

Only 4.6 per cent of the parents interviewed said that child labour must be discontinued. They felt, instead, that working conditions must improve so that their children could get better wages for fewer hours of work.

Situational analysis in respect of environment, nutrition, health, education and also that of girl child, handicapped child, case studies, services provided for children by various Government departments, conventions on the rights of children, and NGO experiences with special children are also presented in this report.

ILO AND CHILD LABOUR

Since its foundation in 1919, the ILO's concern for child labour has been towards elimination of child labour and promotion of the wellbeing of children in the field within its competence. In the very first session of International Labour Conference, 1919, a convention was adopted which fixed the minimum age for admission of children to industrial employment at 14 years. During the last 75 years of its

existence, the ILO has adopted 18 conventions and nine recommendations mainly in respect of children and young people. These are classified under three categories.

1) Minimum age conventions

- i) *Convention No 5 of 1919*—It provides that children under the age of 14 years should not be employed or allowed to work in any public or private industrial undertaking other than an undertaking in which only members of the same family are employed. The term "Industrial Undertaking" includes mines, quarries, manufacturing industries, construction, maintenance and repairs and transport of passengers or goods by road or rail or inland waterway. This convention was ratified by India on September 9, 1955.
- ii) *Convention No 7 of 1920*—Children under the age of 14 according to this convention are not to be employed on vessels except those in which only members of the same family are employed.
This convention is not ratified by India.
- iii) *Convention No 10 of 1921*—This convention provides that children under the age of 14 years may not be employed on work in any public or private agricultural undertaking. The convention permits employment of children in agriculture outside the hours fixed for school attendance.
This convention has not yet been ratified by India.
- iv) *Convention No 15 of 1921*—It provides that young persons under the age of 18 are not to be employed on vessels as trimmers or stokers.
This convention was ratified by India on November 20, 1922.
- v) *Convention No 33 of 1932*—The convention prohibits the employment of children under 14 years or above who are still required by National laws to attend primary schools. The convention gives concession for employment of children above 12 outside the hours fixed for school, however, the employment has to be in light work.
This convention is not yet ratified by India.

- vi) *Convention No 58 of 1936*—The convention provides that children under the age of 15 years are not to be employed or to work on vessel other than those upon which only members of the same family are employed. It is not applicable to work done by children on schoolships or trainingships.

This convention is not yet ratified by India.

- vii) *Convention No 59 of 1937*—In 1937, the ILO adopted a revised convention No 59 fixing the minimum age for admission of children to industrial employment. The age fixed is 15 years. For India, it provides that children under the age of 12 years should not be employed or allowed to work in factories employing more than 10 persons.

India has not yet ratified the convention.

- viii) *Convention No. 60 of 1937*—It says that children under 13 years of age are not to be employed in non-industrial occupations like shops, office, hotels, restaurants, places of public entertainment, etc. Persons under 17 years are not to be employed in any non-industrial occupations which involve danger to life, health or morals.

- ix) *Convention No 123 of 1965*—The convention provides that the minimum of young persons to work in underground mines should be fixed in consultation with the employers and workers organisations and that the age should not be less than 16 years.

India ratified this convention on March 20, 1975.

- x) *Convention No 138 of 1973*—The convention requires raising progressively the minimum age for admission to employment i.e. not less than 15 years. Developing nations may fix it at 14. In occupations which jeopardise health, safety and morals, it has been stipulated that the minimum age should not be less than 18 years.

2) Medical examination conventions

- i) *Convention No 16 of 1921*—The convention provides for compulsory medical examination of children and

young persons employed at sea. The fitness certificate is to be given at intervals of not more than one year. India ratified the convention on November 20, 1922.

- ii) *Convention No 73 of 1946*—It relates to the medical examination of sea forces and applies to every sea-going vessel with the following exceptions:

Vessels of less than 200 tons gross register tonnage
Wooden vessels of primitive built Fishing vessels.

The convention is not yet ratified by India.

- iii) *Convention No. 77 of 1946*—It provides that children and young persons under the age of 18 years (16, in the case of India) should not be admitted to employment unless they have been found fit for the work which they are to be employed by a thorough medical examination.

- iv) *Convention No 124 of 1965*—It provides for annual medical examination of all young persons below 21 for fitness for employment underground in mines.

India has not ratified this convention yet.

3) Night work convention

- i) *Convention No 6 of 1919*—It provides that young persons under 18 years of age are not to be employed during night in any public or private industrial undertakings, which included mines, manufacturing units, quarries, construction, transport. In case of India "Industrial Undertakings" include only factories as defined in the Indian Factories Act and the age limit is 14 instead of 18 as provided in the convention for others

This convention was ratified by India on 14.7.1921.

- ii) *Convention No. 79 of 1946*—The convention concerns with the restriction of night work of children & young persons in non-industrial occupations which include all occupations other than industrial, agricultural and maritime occupations. In its application to India, the convention prohibits employment during night, in non-industrial occupation of children below the age of 12 years.

India has not yet ratified the convention.

- iii) *Convention No 90 of 1948*—This convention partly revises convention No 6 of 1919. The term right signifies a period of at least 12 consecutive hours instead of 11 prescribed in convention No. 6.

The International Programme for elimination of Child Labour came into being in 1990. IPEC calls upon government, workers and employers organisation, non-government organisations (NGO's) educators, parents and children for action against child labour. It initially, covers six nations—Brazil, Indonesia, Kenya, Thailand, Turkey and India. Now, it has extended to four more countries—Pakistan, Bangladesh, the Philippines and Tanzania.

Broadly, the types of activities carried out in these countries are:

- Direct action aimed at child labour in hazardous occupation in any sector of employment.
- Programme aimed at meeting the developmental needs of working children.
- Assistance to national governments in the formulation of policies and programmes against child labour.
- Establishment or strengthening of appropriate institutional structures.

As per the world report on children, 1992:

- 1) 30 per cent of all the children die each year.
- 2) 30 per cent of all those who are not immunised and 40 per cent of those who are malnourished are to be found in three countries, namely, Bangladesh, Pakistan and India.
- 3) India has a high under five mortality rate of 126.

The child needs health, food, and immunisation as well as shelter. However, the health services network is deficient. Development of child is unthinkable without education. The right to protection has an added importance. India has the largest child labourers UNICEF data claims that children are forced to drop out of schools and accept meagre wages for working under inhuman condition. Nearly 80 per cent of the total work force engaged, in India's carpet weaving industry are children. A survey conducted in 1992 indicates that

there are 55,000 children employed as permanent workers in tea plantation in West Bengal alone. A huge number of working children do not have their home. They are street children working 10-12 hours per day.

The Government of India is aware of the problem and it has adopted a national policy for the welfare of children way back in 1974. The government is committed to undertake some important measures which include:

- 1) Comprehensive health programme for all children.
- 2) Programme to provide nutrition service for removing deficiencies in diet of the children.
- 3) Free and compulsory education for all children up to the age of 14.
- 4) Physical education, games, sports and others recreational and cultural and scientific activities in schools, community centres and other institutions.
- 5) Special assistance to children belonging to the weaker sections of the society.
- 6) Special attention to children who have become delinquent or have been force into begging or are otherwise in distress.
- 7) Protection of children against cruelty, neglect and exploitation.
- 8) No child under 14 shall be permitted to undertake heavy work.
- 9) Facilities for special treatment, education, rehabilitation.
- 10) Priority to children in relief operations in times of distress or natural calamities.
- 11) Amendment to existing laws in the interest of the children.

REFORM OF CHILD CARE LAW

The Children Act, 1989 tries to create a uniform and coherent framework for standards in child welfare law which have developed largely independently of each other over some hundreds of years. The Act introduces the most radical changes in Child Care Law for a generation and will have significant effects on all professionals in this area.

Some of the reforms which the Act introduces rewrite the very language used by generations of child care professionals and lawyers. The new Act makes an attempt to take a fresh look at the balance struck between the interests of parents, children and the wider community. Most of it is concerned with the conditions under which the state should intervene in the relationship between parents and their children and, therefore, concerns public law. The legal relationship between parents and children was reviewed. Over the years, the uncoordinated development of legislation and its interpretation by the courts had created a hodge-podge of rights, powers and duties and a confusing array of court orders. Since these control the distribution of rights which individual adults may have in relation to children and do not necessarily involve the state they are usually referred to as private law. Parental responsibility, parents' rights, shares, parental responsibility, and children's rights have been worked out in a new framework for private law. Under the new system, while a parent will be able to share parental responsibilities with a local authority under a voluntary arrangement, it will no longer be possible for the authority to acquire legal authority over a child without the parents' consent by a simple administrative act. This can now be done only by a court order. Moreover, it is intended that the grounds on which courts may intervene in this way should be clearly spelt out and the grounds should be the same whatever the level of court in which the proceedings occur.

Having decided that there should be no transfer of parental authority without the sanction of a court, the reformers attempted to rationalise the way in which these cases were handled. The reform displays some ambivalence over the nature of the appropriate relationship between the courts and social services departments. To understand how child protection work is likely to be affected by the 1989 Act, it is important to appreciate the distinctive characteristics of the principal agencies involved: social services departments, the health services (community health services, health visitors, community midwives and district nurses, general practitioners (GPs), child health and school health services,

accident and emergency departments, hospitals, police and surgeons. Apart from any statutory provision, most areas have responded to the problem by attempting to develop some sort of inter-agency liaison system. These include the existence of an Area Child Protection Committee (ACPC), the operation of a Child Protection Register and the use of local case conferences. Similar to these agencies Local Authority Service came into existence. The 1989 Act lays stricter controls over private fostering, such as the number of children allowed to be fostered, notification by parents of intention to arrange fostering and disqualification of certain people from carrying out fostering, and maintenance of proper records.

It would be wrong then to suppose that the use of compulsory powers implies that positive family support has been abandoned. There may be occasions when the threat of the compulsory measures may succeed where persuasion has failed to achieve the removal of a threat to a child. The range of compulsory powers has been broadened. The 1989 Act directs local authorities to act in ways which will diminish the need for compulsory intervention. The new law also lays down grounds for bringing care or supervision proceedings. In practice care proceedings tended to be less concerned with the state of a child than with the reason why he or she came to be in that state. The dispute was often about whether the parents were responsible for the child's condition, and if they were, whether this was due to such inadequacy or recalcitrance on their part that the state ought to intervene, various social services discuss with a family and public and prepare evidence for the local authority to proceed in the court. Further, the Act gives the Lord Chancellor power to make regulations governing the way care proceedings will be conducted.

COMBATING CHILD LABOUR

Child labour is the main area of work for the ILO, since its inception in 1919. A number of conventions and recommendations specifying the minimum age of entry in to employment or work and defining the conditions under which children may be allowed to work have been adopted

by ILO. The objectives, principles and guidelines set out in these international labour standards have been incorporated into national legislation and regulation throughout the world. Of late, the ILO has also intensified its technical advisory services, as well as training, research and dissemination of information in support of national action to eliminate child labour and provide protection to working children. This study is one such effort. A wealth of information about child labour and a wide-ranging analysis of experiences in formulation and implementation of policies and programmes in a variety of industrial, socio-economic and political contexts is presented. A most encouraging development highlighted here is the growing re-orientation of public policy along comprehensive and pragmatic lines and the search by policy makers and practitioners for new and practical ways of dealing with child labour. Governments have recognised the need to complement the traditional approach of exclusive reliance on legislation and enforcement with action programmes aimed at dealing with the conditions of child workers at the national level or in specific sectors, industries and communities. The country reports on policies and programmes provide illustrations of the different types of initiatives and a glimpse of the emerging and exciting developments in this area. In particular, they show the importance, feasibility and demonstrate the various ways of linking national and local-level action of providing vital basic services and protection at low cost, and mounting community based efforts. Most non-agricultural occupations are concentrated in urban areas and there is evidence in some countries that there has been a marked growth in the number of the urban child workers in recent decades. In other instances, the whole increase in child labour has been absorbed in non-agricultural activities. Also working children in urban areas are likely to be more deprived than those in agriculture and therefore deserving the attention of policy makers. These issues also equally apply to agriculture.

The surveys on child labour were in most cases carried out at the place of work, enabling to assess the conditions experienced by children. The samples were fairly small

reflecting the real problems encountered in studying child labour at first hand.

The issue of child labour can be extremely controversial, not only because so many children work illegally but also because their work often involves abuse and exploitation. Many people—and the working children themselves—are extremely reluctant to divulge information on the subject. Many authors describe the practical problems associated with research of this type. In the end, most had content with gathering qualitative rather than quantitative data.

The case studies draw on the surveys of specific industries or occupations, indicating the main characteristics of the workforce, employment relations, and the conditions under which children work and the tasks they undertake. The country reports on policies and programmes outline the legislative and institutional frame work for developing and enacting policy, identifies the priorities in state provision, assess the achievements and problems in implementation and describes micro-level programmes aimed at the reduction in the incidence of child labour and the protection of working children.

POVERTY AND CHILD WELFARE IN THIRD WORLD

Poor country and poor children go together. Majority of the world's poor children are from the developing countries. Social policy faces the greatest challenge of welfare of this core group. Concentration on the poorest children is an expression of the belief that social policy is fundamentally concerned with poverty and inequality, the scale of child poverty is such as to demand attention. This reflects a widely held view that the relatively greater vulnerability of young children put their needs more clearly into the responsibility of social policy. Keeping the children from birth to around 10 years in view, common themes in social welfare and social development across a range of needs are highlighted. The welfare of older children and adults, is of course, marked by essentially similar patterns in terms of social policy response in the context of development and underdevelopment.

Rights and needs of the very poorest children has been examined. Not all these children are in the very poorest countries, of the more than 500 million who are estimated to be below the absolute poverty line, many live in countries which are relatively better off. Poverty has denied the most fundamental human rights to these children. The question of rights and of the role of the state in child welfare are examined. It goes on to chart the range and nature of needs in developing countries. There are general themes despite great variation in condition between countries.

The relationship between the welfare of children and the economic aspects of contemporary development and underdevelopment is discussed. It is only in recent years that welfare considerations have come to take a prominent part in the formulation and implementation of overall development strategies. The impact of the recession of the late 1970s and 1980s on the welfare of the poorest children is presented in particular. Next, the growth of programmes concerned directly with the welfare of children through coherent social policies and organised social programmes are also examined. The emergence of formal social welfare and recent trends in social policy are considered in particular. The gradual emergence of approaches marked by concern with basic needs, community participation and greater recognition of the realities in which policies and programmes must operate are also discussed.

General themes which deal with health and day care for young children have also been taken notice of. For poor children, survival itself is most often a significant victory, a good deal of attention is paid to a number of specific intervention which, as part of a social policy for child welfare, can dramatically increase the chances of survival and reduce level of illness. Day care for children is closely linked with the most important health initiatives but it can in itself be a part of positive child welfare policy.

Formal social services have a relatively low priority in the majority of developing countries and it is against this background some issues look at child welfare legislation and substitute care for children, which dominates formal

provision in most countries. The needs of poor children with disabilities are set against the provision made in developing countries. The almost universal neglect of these children and the inappropriate nature of those services which do exist, is set against the potential of community based rehabilitation, as an example of an approach to child welfare. This highlights the contrast between policies such as this one and the conventional social one. This leads us to be concerned not so much with service delivery but with approaches to aspects of social development. This theme is explored further which seeks to illuminate the links between social development, social policy and the abuse and exploitation of children. A brief overview of the nature of social policy for the welfare of poor children in relation to the relatively few aspects of that vast topic is available.

As a part of its campaign to eliminate child labour, the ILO is proposing the adoption of new international legal instruments to combat the worst forms of child labour supplemented by recommendations for practical action and assistance. The proposal put forward by its three constituent groups—governments, employers and workers organisations—seek the commitment of member states to ban and prevent child labour in hazardous work and to remove children without delay from such work.

Drawing on ILO action against child labour, including the experience of the ILO's International Programme for Elimination of Child Labour (IPEC) and other initiatives, the report chronicles the exploitation and abuse of working children, surveys international and national law and practices. It points the way towards effective practical action to remove children from debt and bondage, prostitution and hazardous occupations and activities.

The nature and magnitude of the problem reveal the latest estimates of the child labour population in the world. It explains the nature and extent of children working in hazardous occupations. Some examples of occupational hazards in agriculture, mines, ceramics and glass factory work, matches and firework industry and deep-sea fishing are given. The extent of child labour working as domestic

labour are explained in terms of factors affecting the supply and demand of child labour.

The ILO Conventions and Recommendations have been pointing out to the problem of child labour since 1919. The Conventions have been aiming to state the minimum age for employment in general and in hazardous industries in particular.

Almost all countries have enacted legislations prohibiting the employment of children below a certain age—legislation also provide for where they are legally permitted to work, specifying the conditions under which they may work. The minimum age for work differs from country to country. While almost all countries have enacted legislations setting a basic minimum age, many have not established a single minimum age for admission to any employment on work as required by Convention No. 138. Only 33 or one-fifth of the countries, mainly in Europe have done so. In-approximately one-fourth of the countries, different minimum age are prescribed according to the sector of economic activity while totally excluding from coverage certain sectors or occupations.

The ILO's Minimum age Convention, 1973 (No. 138) sets a minimum age of 18 for employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons. Countries which have fixed minimum ages for employment into hazardous occupations have been listed. The prohibition of work done by children is divided into certain categories, for example, general prohibitions, general prohibition relating to the physical environment, prohibition of specific agents or products and prohibited hazardous industries occupations or activities.

Convention No. 138 (Article 9) and the accompanying Recommendation No. 146 (Part V), provide the international framework for enforcement of child labour laws. Enforcement measures adopted by various countries to help combat child labour include the maintenance of records or medical examination to assess the age of the child. The powers and the duty of the labour inspectors are also used

to curb child labour. In the nine-point strategy, points include a new convention on child labour, time bound programme of action to eliminate child labour. Immediate suppression of extreme forms of child labour, prohibition of work for the very young (under 12 and 13 years) and special protection for girls. Rehabilitation to ensure permanent removal from hazardous work, preventive measures designation of national authority responsible for child labour, making crime against a child a crime every where and increased financial aid to fight child labour.

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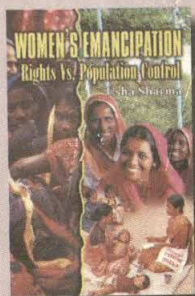
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S. P. Gomango is famous for social services and researches in human development. As a well-known social activist, he sincerely devoted his services to child development, emancipation of women, education, health and human rights.

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Of allied interest



WOMEN'S EMANCIPATION **Rights Vs. Population Control**

Society is generally sensitised to the injustice perpetuated on women over the centuries. The incorporation of the sacred dimension of the feminine through the development of new archetypes and cultural myths is a major aspect of the paradigm shift needed at this time.

Population control without any consideration of women's rights, empowerment and poverty alleviation, results in the exacerbation of the existing problems and victimisation of poor women. The long-term process of population programmes require improvement of the status of women, thus revealing an instrumentalist approach to women's rights.

Women's empowerment must involve their ability not only to control fertility but also to get an education and a job, to engage in child rearing and to be spared from human right abuse and gender inequalities. We should focus on practical actions that recognise women's rights and autonomy which enhance women's participation in the development process.

This book is a comprehensive research on the linkages between women's rights and demographic processes. It calls our attention towards the need of an organised mass women's movement that challenges and transforms all existing evils against women and violations of their rights.



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